

CIVIL RIGHTS LAW

Laws 1909, Chap. 14.

AN ACT relating to civil rights, constituting chapter six of the consolidated laws.

Became a law, February 17, 1909, with the approval of the Governor.

Passed, three-fifths being present.

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

CHAPTER 6 OF THE CONSOLIDATED LAWS

CIVIL RIGHTS LAW

- Article 1. Short title (§§ 1--1-a).
2. Bill of rights (§§ 2-15).
- 2-A. Equal rights to publicly-aided housing (§§ 18-a--19-b).
3. Privilege from arrest (§§ 20-29).
4. Equal rights in places of public accommodation and amusement (§§ 40-45).
- 4-B. Rights of persons with a disability accompanied by guide dogs, hearing dogs or service dogs (§§ 47--47-c).
- 4-C. Employment of persons with certain genetic disorders (§§ 48--48-b).
5. Right of privacy (§§ 50--52-d).
- V-A. Membership corporations and unincorporated associations (§§ 53-57).
6. Change of name (§§ 60-65).
- 6-A. Change of sex designation (§§ 67--67-b).
7. Miscellaneous rights and immunities (§§ 70--79-q).
8. Causes of action for alienation of affections, criminal conversation, seduction and breach of contract to marry abolished (§§ 80-a--84).
- 8-A. New York state Bivens act (§§ 85-86).
9. Right to call police and emergency assistance/victim protections (§§ 90-98).
10. Law enforcement face coverings (§§ 100-102).
15. Laws repealed; when to take effect (§§ 100-101).

ARTICLE 1

Short Title

- Section 1. Short title.
1-a. Definitions.

Section. 1. Short title. This chapter shall be known as the "Civil Rights Law."

§ 1-a. Definitions. The term "minor" or "infant", as used in this chapter, shall mean a person who has not attained the age of eighteen years.

ARTICLE 2

Bill of Rights

- Section 2. Supreme sovereignty in the people.
3. Levying taxes and charges.
 4. Right to keep and bear arms.
 5. Military service by citizens.
 6. Exemption from military service.
 7. Quartering soldiers.
 8. Right of search and seizure.
 9. Freedom of elections.
 10. Justice to be administered without favor and speedily.
 11. Fines must be reasonable and imposed only for cause.
 12. Rights of persons accused of crime.
 13. Right to serve on juries.
 14. Jurors not to be questioned for verdicts.
 15. Right of appeal not to be denied.

§ 2. Supreme sovereignty in the people. No authority can, on any pretence whatsoever, be exercised over the citizens of this state, but such as is or shall be derived from and granted by the people of this state.

§ 3. Levying taxes and charges. No tax, duty, aid or imposition whatsoever, except such as may be laid by a law of the United States, can be taken or levied within this state, without the grant and assent of the people of this state, by their representatives in senate and assembly; and no citizen of this state can be by any means compelled to contribute to any gift, loan, tax, or other like charge, not laid or imposed by a law of the United States, or by the legislature of this state.

§ 4. Right to keep and bear arms. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms cannot be infringed.

§ 5. Military service by citizens. No citizen of this state can be constrained to arm himself, or to go out of this state, or to find soldiers or men of arms, either horsemen or footmen, without the grant and assent of the people of this state, by their representatives in senate and assembly, except in the cases specially provided for by the constitution of the United States.

§ 6. Exemption from military service. All such inhabitants of this state of any religious denomination whatever, as from scruples of conscience may be averse to bearing arms, are to be excused therefrom by paying to the state an equivalent in money; and the legislature is required to provide by law for the collection of such equivalent, to be estimated according to the expense, in time and money, of an ordinary able-bodied militiaman.

§ 7. Quartering soldiers. No soldier can in time of peace be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

§ 8. Right of search and seizure. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants can issue but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

§ 9. Freedom of elections. All elections ought to be free; and no person by force of arms, malice, menacing, or otherwise, should presume to disturb or hinder any citizen of this state in the free exercise of the right of suffrage.

§ 10. Justice to be administered without favor and speedily. Neither justice nor right should be sold to any person, nor denied, nor deferred; and writs and process ought to be granted freely and without delay, to all persons requiring the same, on payment of the fees established by law.

§ 11. Fines must be reasonable and imposed only for cause. No citizen of this state ought to be fined or amerced without reasonable cause, and such fine or amercement should always be proportioned to the nature of the offense.

§ 12. Rights of persons accused of crime. In all criminal prosecutions, the accused has a right to a speedy and public trial, by an impartial jury, and is entitled to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him or her; and to have compulsory process for obtaining witnesses in his or her favor. A noncitizen is not entitled to a jury, composed in part of noncitizens or strangers, in an action or special proceeding civil or criminal.

§ 13. Right to serve on juries. No citizen of the state possessing all other qualifications which are or may be required or prescribed by law, shall be disqualified to serve as a grand or petit juror in any court of this state on account of race, creed, color, national origin or sex, and any person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for any of the causes aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor and be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned not less than thirty days, nor more than ninety days, or both such fine and imprisonment.

§ 14. Jurors not to be questioned for verdicts. A juror shall not be questioned, and is not subject to an action, or other liability civil or criminal, for a verdict rendered by him, in an action in a court of record, or not of record, or in a special proceeding before an officer, except by indictment, for corrupt conduct, in a case prescribed by law.

§ 15. Right of appeal not to be denied. Notwithstanding the provisions of any general or special law to the contrary, a citizen shall not be deprived of the right to appeal to the legislature, or to any public officer, board, commission or other public body, for the redress of grievances, on account of employment in the civil service of the state or any of its civil divisions or cities.

ARTICLE 2-A

Equal Rights To Publicly-Aided Housing

Section 18-a. Findings and declarations of policy.

18-b. Definitions.

18-c. Discrimination prohibited.

18-d. Restraint of discrimination; damages for violations.

18-e. Applicability.

19-a. Prohibition against unreasonable withholding of consent.

19-b. Restraint of discrimination; damages for violations.

§ 18-a. Findings and declarations of policy. 1. This article shall be deemed an exercise of the police power of the state for the protection of the welfare, health and peace of the people of this state and the fulfillment and enforcement of the provisions of the constitution of this state concerning civil rights.

2. The practice of discrimination because of race, color, religion, national origin or ancestry in any publicly assisted housing accommodations is hereby declared to be against public policy.

§ 18-b. Definitions. When used in this article:

1. The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy and receivers or other fiduciaries.

2. The term "housing accommodation" includes any building, structure, or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings, but shall not include any accommodations operated by a religious or denominational organization as part of its religious or denominational activities.

3. The term "publicly assisted housing accommodation" includes any housing accommodation within the state of New York

(a) which, after July first, nineteen hundred fifty, is granted exemption in whole or in part from taxes levied by the state or any of its political subdivisions;

(b) which is constructed after July first, nineteen hundred fifty, on land sold below cost by the state or any of its political subdivisions or any agency thereof, pursuant to the federal housing act of nineteen hundred forty-nine;

(c) which is constructed after July first, nineteen hundred fifty, in whole or in part on property acquired or assembled by the state or any

of its political subdivisions or any agency thereof through the power of condemnation or otherwise for the purpose of such construction;

(d) for the acquisition, construction, repair or maintenance of which the state or any of its political subdivisions or any agency thereof supplies, after July first, nineteen hundred fifty, funds or other financial assistance;

(e) (1) which is located in a multiple dwelling; and (2) the acquisition, construction, rehabilitation, repair or maintenance of which is, after July first, nineteen hundred fifty-five, financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the federal government or any agency thereof, or the state or any of its political subdivisions or any agency thereof, provided that such a housing accommodation shall be deemed to be publicly assisted only during the life of such loan and such guaranty or insurance; or

(f) which is offered for sale by a person who owns or otherwise controls the sale of ten or more housing accommodations located on land that is contiguous (exclusive of public streets), if (1) the acquisition, construction, rehabilitation, repair or maintenance of such housing accommodations is, after July first, nineteen hundred fifty-five, financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the federal government or any agency thereof, or the state or any of its political subdivisions or any agency thereof, provided that such a housing accommodation shall be deemed to be publicly assisted only during the life of such loan and guaranty or insurance, or (2) a commitment, issued by a government agency after July first, nineteen hundred fifty-five, is outstanding that acquisition of such housing accommodations may be financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the federal government or any agency thereof, or the state or any of its political subdivisions or any agency thereof.

4. The term "owner" includes the lessee, sub-lessee, assignee, managing agent, or other person having the right of ownership or possession or the right to rent or lease housing accommodations and includes the state and any of its political subdivisions and any agency

thereof.

5. The term "discriminate" includes to segregate or separate.

6. The term "multiple dwelling", as herein used, means a dwelling which is occupied, as a rule, for permanent residence purposes and which is either rented, leased, let or hired out, to be occupied as the residence or home of three or more families living independently of each other. A "multiple dwelling" shall not be deemed to include a hospital, convent, monastery, asylum or public institution, or a fireproof building used wholly for commercial purposes except for not more than one janitor's apartment and not more than one penthouse occupied by not more than two families. The term "family," as used herein, means either a person occupying a dwelling and maintaining a household, with not more than four boarders, roomers or lodgers, or two or more persons occupying a dwelling, living together and maintaining a common household, with not more than four boarders, roomers or lodgers. A "boarder," "roomer" or "lodger" residing with a family means a person living within the household who pays a consideration for such residence and does not occupy such space within the household as an incident of employment therein.

§ 18-c. Discrimination prohibited. It shall be unlawful:

1. For the owner of any publicly assisted housing accommodation to refuse to rent or lease or otherwise to deny to or withhold from any person or group of persons such housing accommodation because of the race, color, religion, national origin or ancestry of such person or persons.

2. For the owner of any publicly assisted housing accommodation to discriminate against any person because of the race, color, religion, national origin or ancestry of such person in the terms, conditions or privileges of any publicly assisted housing accommodations or in the furnishing of facilities or services in connection therewith.

3. For any person to cause to be made any written or oral inquiry concerning the race, color, religion, national origin or ancestry of a person seeking to rent or lease any publicly assisted housing accommodation.

§ 18-d. Restraint of discrimination; damages for violations. 1. Any person aggrieved by a violation of section eighteen-c of this chapter and any person whose assessment shall amount to more than one thousand dollars and who shall be liable to pay taxes on such assessment in any county, town, village or municipal corporation in the state or who has been assessed or who has paid taxes upon any assessment of the above-named amount within one year previous to the initiation of an action under this section shall have a right of action in any court of appropriate jurisdiction for restraint of such violation and for other equitable remedies including such affirmative relief as may be necessary to undo the effects of such violation.

2. Any person aggrieved by a violation of section eighteen-c of this chapter shall in addition have a right of action in any court of appropriate jurisdiction for damages caused by such violation.

3. At or before the commencement of any action under this section, notice thereof shall be served upon the attorney general.

§ 18-e. Applicability. The provisions of this section shall not apply to privately owned housing accommodations which are not publicly assisted within the meaning of section eighteen-b (3) of this chapter.

§ 19-a. Prohibition against unreasonable withholding of consent. 1. No corporation formed for the purpose of the cooperative ownership of real estate within the state shall withhold its consent to the sale or proposed sale of certificates of stock or other evidence of ownership of an interest in such corporation because of the race, creed, national origin, or sex of the purchaser.

2. For the purposes of this section a "corporation" shall include the cooperative management, cooperative tenants, cooperative shareholders, or any appointee or successor in interest of a corporation.

3. This section shall apply to every sale or proposed sale whether by a corporation directly, its successor in interest, or by any other lawfully entitled party.

4. Every agreement, negative covenant, restrictive covenant or other provision, whether written or oral and wherever contained, inconsistent with this section shall be void and unenforceable.

§ 19-b. Restraint of discrimination; damages for violations. Any person aggrieved by a violation of section nineteen-a, including but not be limited to, any person who has made a loan, authorized by law, for the purpose of financing the purchase of certificates of stock or other evidence of ownership of an interest in a corporation formed for the purpose of the cooperative ownership of real estate with the state, or any of their lawful successors in interest shall have a right of action in any court of appropriate jurisdiction to restrain such violation and for other equitable remedies, including such affirmative and other relief as may be necessary to undo the effects of such violation.

ARTICLE 3

Privilege from Arrest

- Section 20. No imprisonment for non-payment of costs in certain cases.
21. No imprisonment for non-payment of money pursuant to judgment or order requiring payment of money due upon contract.
22. Privilege of officers and prisoner from arrest while passing through another county.
23. No person to be arrested in civil proceedings without a statutory provision.
24. Privilege from arrest of officers of courts of record.

- 25. Witness exempt from arrest.
- 26. Action against officer making arrest of exempt person.
- 27. Discharge of exempt witness.
- 28. Medical attention for persons under arrest.
- 28*2. Civil arrest; certain locations.
- 29. Sensitive locations.

§ 20. No imprisonment for non-payment of costs in certain cases. A person shall not be arrested or imprisoned, for the non-payment of costs, awarded otherwise than by a final judgment, or a final order, made in a special proceeding instituted by state writ, except where an attorney, counselor, or other officer of the court, is ordered to pay costs for misconduct as such, or a witness is ordered to pay costs on an attachment for non-attendance.

§ 21. No imprisonment for non-payment of money pursuant to judgment or order requiring payment of money due upon contract. Except in a case where it is otherwise specially prescribed by law, a person shall not be arrested or imprisoned for disobedience to a judgment or order, requiring the payment of money due upon a contract, express or implied, or as damages for non-performance of a contract.

§ 22. Privilege of officers and prisoner from arrest while passing through another county. A prisoner conveyed to jail through another county by a sheriff or other officer pursuant to law, or the officer having him in custody, is not liable to arrest in any civil action or special proceeding, while passing through another county.

§ 23. No person to be arrested in civil proceedings without a statutory provision. A person shall not be arrested in a civil action or special proceeding, except as prescribed by statute. The writ of ne exeat is abolished.

§ 24. Privilege from arrest of officers of courts of record. An officer of a court of record, appointed or elected pursuant to law, is privileged from arrest, during the actual sitting, which he is required to attend, of a term of the court of which he is an officer, and no longer; but an attorney or counselor is not thus privileged, unless he is employed in a cause, to be heard at that term.

§ 25. Witness exempt from arrest. A person duly and in good faith subpoenaed or ordered to attend, for the purpose of being examined, in a case where his attendance may lawfully be enforced by attachment or by commitment, is privileged from arrest in a civil action or special proceeding, while going to, remaining at, and returning from, the place where he is required to attend. An arrest, made contrary to the provisions of this section, is absolutely void and is a contempt of the court, if any, from which the subpoena was issued, or by which the witness was directed to attend.

§ 26. Action against officer making arrest of exempt person. An action may be maintained, by the person arrested, against the officer or other person making an arrest contrary to the provisions of the last section, in which the plaintiff is entitled to recover treble damages. A similar action may also be maintained, in a like case, by the party in whose behalf the witness was subpoenaed, or the order procured, to recover the damages sustained by him, in consequence of the arrest. But a sheriff, or other officer, or person, is not so liable, unless the person claiming an exemption from arrest, makes, if required by the sheriff or officer, an affidavit, to the effect that he was legally subpoenaed or ordered to attend, and that he was not so subpoenaed or ordered by his own procurement, with the intent of avoiding arrest. In his affidavit he must specify the court or officer, the place of attendance, and the cause in which he was so subpoenaed or ordered. The affidavit may be taken before the officer arresting him, and exonerates the officer from liability for not making the arrest.

§ 27. Discharge of exempt witness. Where a person has been arrested in violation of section twenty-five, a justice of the supreme court, a county judge or the court, if any, from which the subpoena was issued or which ordered the witness to attend, or a judge thereof, shall order such person discharged from the arrest upon proof, by affidavit, of the facts.

*** § 28. Medical attention for persons under arrest.** When a person is under arrest or otherwise in the custody of a police officer, peace officer or other law enforcement representative or entity, such officer, representative or entity shall have a duty to provide attention to the medical and mental health needs of such person, and obtain assistance and treatment of such needs for such person, which are reasonable and provided in good faith under the circumstances. Any person who has not received such reasonable and good faith attention, assistance or treatment and who, as a result, suffers serious physical injury or significant exacerbation of an injury or condition shall have a cause of action against such officer, representative, and/or entity. In any such civil action, the court, in addition to awarding actual damages and costs, may award reasonable attorneys' fees to a successful plaintiff. The provisions of this section are in addition to, but shall not supersede, any other rights or remedies available in law or equity.

* NB There are 2 § 28's

*** § 28. Civil arrest; certain locations.** 1. A person duly and in good faith attending a court proceeding in which such person is a party or potential witness, or a family or household member is a party or potential witness, is privileged from civil arrest while going to, remaining at, and returning from, the place of such court proceeding, unless such civil arrest is supported by a judicial warrant or judicial order authorizing such civil arrest.

2. It is a contempt of the court and false imprisonment for any person to willfully violate subdivision one of this section, or an order of the

court issued pursuant to section four-a of the judiciary law, by executing an arrest prohibited by subdivision one of this section or section four-a of the judiciary law, or willfully assisting an arrest prohibited by subdivision one of this section or section four-a of the judiciary law; provided, however, that nothing in this subdivision shall affect any right or defense of any person, police officer, peace officer or public officer pursuant to article thirty-five of the penal law, or any unified court system personnel acting lawfully pursuant to their duty to maintain safety and order in the courts.

3. Regardless of whether a proceeding for contempt of the court pursuant to subdivision two of this section has been initiated:

(a) a person described in subdivision one of this section may bring a civil action for appropriate equitable and declaratory relief if such person has reasonable cause to believe a violation of subdivision one of this section, as described in subdivision two of this section, or a violation of section four-a of the judiciary law, has occurred or may occur; and

(b) the attorney general may bring a civil action in the name of the people of the state of New York to obtain appropriate equitable and declaratory relief if the attorney general has reasonable cause to believe that a violation of subdivision one of this section, as described in subdivision two of this section, or a violation of section four-a of the judiciary law, has occurred or may occur.

4. In any successful action pursuant to subdivision three of this section, a plaintiff or petitioner may recover costs and reasonable attorney's fees.

5. Nothing in this section shall be construed to narrow, or in any way lessen, any common law or other right or privilege of a person privileged from arrest pursuant to this article or otherwise.

6. As used in this section:

(a) "civil arrest" shall mean an arrest that is not:

(i) for the sole or primary purpose of preparing the person subject to such arrest for criminal prosecution, for an alleged violation of the

criminal law of:

(A) this state, or another state, for which a sentence of a term of imprisonment is authorized by law; or

(B) the United States, for which a sentence of a term of imprisonment is authorized by law, and for which federal law requires an initial appearance before a federal judge, federal magistrate or other judicial officer, pursuant to the federal rules of criminal procedure that govern initial appearances; or

(ii) for contempt of the court in which the court proceeding is taking place or will be taking place;

(b) "court proceeding" shall mean any appearance in a court of this state before a judge or justice or judicial magistrate of this state ordered or scheduled by such judge or justice or judicial magistrate, or the filing of papers designed to initiate such an appearance before a judge or justice or judicial magistrate of this state;

(c) "family or household member" shall have the same meaning as in subdivision two of section four hundred fifty-nine-a of the social services law; and

(d) "judicial warrant or judicial order authorizing such civil arrest" means an arrest warrant or other judicial order, issued by a magistrate sitting in the judicial branch of a local or state government or of the federal government, authorizing a civil arrest and issued by the court in which proceedings following such arrest will be heard and determined.

7. No action or proceeding may be commenced pursuant to this section against the unified court system or any unified court system personnel acting lawfully pursuant to their duty to maintain safety and order in the courts.

* NB There are 2 § 28's

§ 29. Sensitive locations. 1. Definitions. For purposes of this section, the following terms shall have the following meanings:

(a) "Sensitive location" means a privately owned or operated:

(i) location of any program licensed, regulated, certified, funded, or approved by the office of children and family services that provides services to children, youth, or young adults, any legally exempt

childcare provider, a childcare program for which a permit to operate such program has been issued by the New York city department of health and mental hygiene pursuant to the health code of the city of New York;

(ii) health care facility, including a doctor's office, hospital, or any location providing health or behavioral health services;

(iii) house of worship, which means any building or structure that a reasonable person would know that religious adherents collectively recognize as a place to regularly gather for or to hold religious worship activities or provide religious education or instruction, such as a church, synagogue, temple, or mosque;

(iv) housing accommodation;

(v) non-public school;

(vi) private school established under chapter eight hundred fifty-three of the laws of nineteen hundred seventy-six, or state-supported school established in accordance with article eighty-five of the education law;

(vii) not-for-profit or for-profit higher education institution;

(viii) nursery school;

(ix) summer camp;

(x) senior center;

(xi) park, playground, athletic field, or recreation center; or

(xii) location being utilized as a polling place in connection with the conduct of an election for an elected position in any government.

(b) "Deny access" means declining to grant permission to enter and declining to facilitate the entry of an individual to a sensitive location.

(c) "Housing accommodation" means any building, structure, or portion thereof which is used or occupied or is intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more human beings.

(d) "Immigration enforcement" has the same meaning as such term is defined in section three hundred nineteen of the executive law.

2. Sensitive locations for immigration enforcement. (a) A sensitive location is empowered to adopt policies and/or procedures, to the maximum extent allowable under law, to deny access to any portion of the sensitive location that is not accessible to the general public to any

individual seeking access for the purposes of immigration enforcement. Any such policy or procedure shall not overcome any circumstance in which the individual seeking access for the purposes of immigration enforcement presents a court order issued by a judge appointed pursuant to Article III of the United States Constitution or a federal magistrate judge appointed pursuant to 28 U.S.C. § 631, or a judicial warrant issued by a judge appointed pursuant to Article III of the United States Constitution or a federal magistrate judge appointed pursuant to 28 U.S.C. § 631 authorizing them to take into custody the person who is the subject of such warrant or judicial order.

(b) A sensitive location shall not be liable under state law if it adopts any policy or practice of denying, or chooses to deny, access to any portion of a sensitive location that is not accessible to the general public to any individual seeking access for the purposes of civil immigration enforcement without presenting a court order issued by a judge appointed pursuant to Article III of the United States Constitution or a federal magistrate judge appointed pursuant to 28 U.S.C. § 631, or a judicial warrant issued by a judge appointed pursuant to Article III of the United States Constitution or a federal magistrate judge appointed pursuant to 28 U.S.C. § 631 authorizing them to take into custody the person who is the subject of such warrant or judicial order.

3. Enforcement. The attorney general, the office of immigrant trust in the department of law, an individual, or the owner or operator of the sensitive location, including a local or state governmental entity that operates out of a sensitive location, may apply for an order to the supreme court of the state of New York to obtain appropriate injunctive and declaratory relief with respect to any violation of this section.

4. Nothing in this section shall be construed to exempt entities covered by this article from the requirements of article fifteen-AA of the executive law, section thirty-two hundred one-b of the education law, and article nineteen-D of the general municipal law, if otherwise applicable.

5. The provisions of this section shall apply notwithstanding any

other provisions of state or local law, charter, code, ordinance, resolution, rule, or regulation to the contrary. Provided, however, that nothing in this article shall be construed to prevent or restrict the state government from adopting, enacting, or enforcing state policies or a local government from adopting, enacting, or enforcing local policies, laws, resolutions, ordinances, or regulations which comply with at least the applicable standards or requirements of this section, or which exceed the provisions of this section, or which further restrict the ability of state government or local government personnel to participate in immigration enforcement beyond the requirements set forth in the chapter of the laws of two thousand twenty-six that added this section.

ARTICLE 4

Equal Rights in Places of Public Accommodation and Amusement

Section 40. Equal rights in places of public accommodation, resort or amusement.

- 40-a. Inquiry concerning religion or religious affiliations of person seeking employment or official position in public schools prohibited.
- 40-b. Wrongful refusal of admission to and ejection from places of public entertainment and amusement.
- 40-c. Discrimination.
- 40-d. Penalty for violation.
- 40-e. Innkeepers and carriers refusing to receive guests and passengers.
- 40-f. Discrimination against person or class in price for admission.
- 40-g. Discrimination against United States uniform.
- 41. Penalty for violation.
- 42. Discrimination by utility companies.
- 43. Discrimination by labor organizations prohibited.
- 44. Discrimination by industries involved in defense contracts.
- 44-a. Protecting civil and public rights.
- 45. Powers of administration vested in industrial commissioner.

§ 40. Equal rights in places of public accommodation, resort or amusement. All persons within the jurisdiction of this state shall be entitled to the full and equal accommodations, advantages, facilities and privileges of any places of public accommodations, resort or amusement, subject only to the conditions and limitations established by law and applicable alike to all persons. No person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any such place shall directly or indirectly refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, or directly or indirectly publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of race, creed, color or national origin, or that the patronage or custom thereat, of any person belonging to or purporting to be of any particular race, creed, color or national original is unwelcome, objectionable or not acceptable, desired or solicited. The production of any such written or printed communication, notice or advertisement, purporting to relate to any such place and to be made by any person being the owner, lessee, proprietor, superintendent or manager thereof, shall be presumptive evidence in any civil or criminal action that the same was authorized by such person. A place of public accommodation, resort or amusement within the meaning of this article, shall be deemed to include inns, taverns, road houses, hotels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest, or restaurants, or eating houses, or any place where food is sold for consumption on the premises; buffets, saloons, barrooms, or any store, park or enclosure where spirituous or malt liquors are sold; ice cream parlors, confectioneries, soda fountains, and all stores where ice cream, ice and fruit preparations or their derivatives, or where beverages of any kind are retailed for consumption on the premises; retail stores and establishments, dispensaries, clinics, hospitals, bath-houses, barber-shops, beauty parlors, theatres, motion picture houses, airdromes, roof gardens, music halls, race courses, skating

rinks, amusement and recreation parks, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool parlors, public libraries, kindergartens, primary and secondary schools, high schools, academies, colleges and universities, extension courses, and all educational institutions under the supervision of the regents of the state of New York; and any such public library, kindergarten, primary and secondary school, academy, college, university, professional school, extension course, or other educational facility, supported in whole or in part by public funds or by contributions solicited from the general public; garages, all public conveyances, operated on land or water, as well as the stations and terminals thereof; public halls and public elevators of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants. With regard to institutions for the care of neglected and/or delinquent children supported directly or indirectly, in whole or in part, by public funds, no accommodations, advantages, facilities and privileges of such institutions shall be refused, withheld from or denied to any person on account of race or color. Nothing herein contained shall be construed to modify or supersede any of the provisions of the children's court act, the social welfare law or the domestic relations court act of New York city in regard to religion of custodial persons or agencies or to include any institution, club, or place of accommodation which is in its nature distinctly private, or to prohibit the mailing of a private communication in writing sent in response to a specific written inquiry.

No institution, club, organization or place of accommodation which sponsors or conducts any amateur athletic contest or sparring exhibition and advertises or bills such contest or exhibition as a New York state championship contest or uses the words "New York state" in its announcements shall be deemed a private exhibition within the meaning of this section.

§ 40-a. Inquiry concerning religion or religious affiliations of person seeking employment or official position in public schools prohibited. No person, agency, bureau, corporation or association employed or maintained to obtain or aid in obtaining positions for

teachers, principals, superintendents, clerks or other employees in the public schools of the state of New York, and no individual or individuals conducting or employed by or interested directly or indirectly in such an agency, bureau, corporation or association, and no board of education, trustee of a school district, superintendent, principal or teacher of a public school or other official or employee of a board of education, shall directly or indirectly ask, indicate or transmit orally or in writing the religion or religious affiliation of any person seeking employment or official position in the public schools of the state of New York.

§ 40-b. Wrongful refusal of admission to and ejection from places of public entertainment and amusement. No person, agency, bureau, corporation or association, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public entertainment and amusement as hereinafter defined shall refuse to admit to any public performance held at such place any person over the age of twenty-one years who presents a ticket of admission to the performance a reasonable time before the commencement thereof, or shall eject or demand the departure of any such person from such place during the course of the performance, whether or not accompanied by an offer to refund the purchase price or value of the ticket of admission presented by such person; but nothing in this section contained shall be construed to prevent the refusal of admission to or the ejection of any person whose conduct or speech thereat or therein is abusive or offensive or of any person engaged in any activity which may tend to a breach of the peace.

The places of public entertainment and amusement within the meaning of this section shall be legitimate theatres, burlesque theatres, music halls, opera houses, concert halls and circuses.

§ 40-c. Discrimination. 1. All persons within the jurisdiction of this state shall be entitled to the equal protection of the laws of this state or any subdivision thereof.

2. No person shall, because of race, creed, color, national origin, sex, marital status, sexual orientation, gender identity or expression, or disability, as such term is defined in section two hundred ninety-two of the executive law, be subjected to any discrimination in his or her civil rights, or to any harassment, as defined in section 240.25 of the penal law, in the exercise thereof, by any other person or by any firm, corporation or institution, or by the state or any agency or subdivision of the state.

§ 40-d. Penalty for violation. Any person who shall violate any of the provisions of the foregoing section, or subdivision three of section 240.30 or section 240.31 of the penal law, or who shall aid or incite the violation of any of said provisions shall for each and every violation thereof be liable to a penalty of not less than one hundred dollars nor more than five hundred dollars, to be recovered by the person aggrieved thereby in any court of competent jurisdiction in the county in which the defendant shall reside. In addition, any person who shall violate any of the provisions of the foregoing section shall be deemed guilty of a class A misdemeanor. At or before the commencement of any action under this section, notice thereof shall be served upon the attorney general.

§ 40-e. Innkeepers and carriers refusing to receive guests and passengers. A person, who, either on his own account or as agent or officer of a corporation, carries on business as innkeeper, or as common carrier of passengers, and refuses, without just cause or excuse, to receive and entertain any guest, or to receive and carry any passenger, is guilty of a misdemeanor.

§ 40-f. Discrimination against person or class in price for admission. If a person who owns, occupies, manages or controls a building, park, inclosure or other place, opens the same to the public generally at stated periods or otherwise, he shall not discriminate against any

person or class of persons in the price charged for admission thereto. A person violating the provisions of this section is guilty of a misdemeanor.

§ 40-g. Discrimination against United States uniform. A person who excludes from the equal enjoyment of any accommodation, facility or privilege furnished by innkeepers or common carriers, amusement or resort, any person lawfully wearing the uniform of the army, navy, marine corps or revenue cutter service of the United States, because of that uniform, is guilty of a misdemeanor.

§ 41. Penalty for violation. Any person who or any agency, bureau, corporation or association which shall violate any of the provisions of sections forty, forty-a, forty-b or forty-two or who or which shall aid or incite the violation of any of said provisions and any officer or member of a labor organization, as defined by section forty-three of this chapter, or any person representing any organization or acting in its behalf who shall violate any of the provisions of section forty-three of this chapter or who shall aid or incite the violation of any of the provisions of such section shall for each and every violation thereof be liable to a penalty of not less than one hundred dollars nor more than five hundred dollars, to be recovered by the person aggrieved thereby or by any resident of this state, to whom such person shall assign his cause of action, in any court of competent jurisdiction in the county in which the plaintiff or the defendant shall reside; and such person and the manager or owner of or each officer of such agency, bureau, corporation or association, and such officer or member of a labor organization or person acting in his behalf, as the case may be shall, also, for every such offense be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or shall be imprisoned not less than thirty days nor more than ninety days, or both such fine and imprisonment. At or before the commencement of any action under this section, notice thereof shall be served upon the attorney general.

§ 42. Discrimination by utility companies. It shall be unlawful for any public utility company, as defined in the public service law, to refuse to employ any person in any capacity in the operation or maintenance of a public service on account of the race, creed, color or national origin of such person.

§ 43. Discrimination by labor organizations prohibited. As used in this section, the term "labor organization" means any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection. No labor organization shall hereafter, directly or indirectly, by ritualistic practice, constitutional or by-law prescription, by tacit agreement among its members, or otherwise, deny a person or persons membership in its organization by reason of his race, creed, color or national origin, or by regulations, practice or otherwise, deny to any of its members, by reason of race, creed, color or national origin, equal treatment with all other members in any designation of members to any employer for employment, promotion or dismissal by such employer.

§ 44. Discrimination by industries involved in defense contracts. It shall be unlawful for any person, firm or corporation engaged to any extent whatsoever in the production, manufacture or distribution of military or naval material, equipment or supplies for the state of New York or for the federal government to refuse to employ any person in any capacity on account of the race, color, creed or national origin of such person.

§ 44-a. Protecting civil and public rights. A person who: 1. Excludes a citizen of this state, by reason of race, color, creed, national origin or previous condition of servitude, from any public employment or employment in any capacity in industries engaged in

defense contracts or from the equal enjoyment of any accommodation, facility or privilege furnished by innkeepers or common carriers, or by owners, managers or lessees of theatres or other places of amusement, or by teachers and officers of common schools and public institutions of learning; or,

2. Excludes a citizen of this state by reason of race, color, national origin or previous condition of servitude from the equal enjoyment of any accommodation, facility or privilege furnished by a cemetery association or associations; or,

3. Denies or aids or incites another to deny to any other person because of race, creed, color or national origin public employment or employment in any capacity in industries engaged in war contracts or the full enjoyment of any of the accommodations, advantages, facilities and privileges of any hotel, inn, tavern, restaurant, public conveyance on land or water, theatre or other place of public resort or amusement;

Is guilty of a misdemeanor, punishable by fine of not less than fifty dollars nor more than five hundred dollars.

§ 45. Powers of administration vested in industrial commissioner. The industrial commissioner may enforce the provisions of sections forty-two, forty-three and forty-four of this chapter. For this purpose he may use the powers of administration, investigation, inquiry, subpoena, and hearing vested in him by the labor law; he may require submission at regular intervals or otherwise of information, records and reports pertinent to discriminatory practices in industries.

ARTICLE 4-B

RIGHTS OF PERSONS WITH A DISABILITY ACCOMPANIED BY GUIDE DOGS, HEARING DOGS OR SERVICE DOGS

Section 47. Use of public facilities by persons with a disability.

47-a. Employment of persons with a disability.

47-b. Miscellaneous provisions.

47-c. Penalties.

§ 47. Use of public facilities by persons with a disability. 1. No person shall be denied admittance to and/or the equal use of and enjoyment of any public facility solely because said person is a person with a disability and is accompanied by a guide dog, hearing dog or service dog.

2. For the purposes of this section the term "public facility" shall include, but shall not be limited to, all modes of public and private transportation, all forms of public and private housing accommodations whether permanent or temporary, buildings to which the public is invited or permitted, including those maintained by the state or by any political subdivision thereof, all educational facilities and institutions, including those maintained by the state or by any political subdivision thereof, all places where food is offered for sale, all theatres, including both live playhouses and motion picture establishments and all other places of public accommodations, convenience, resort, entertainment, or business to which the general public or any classification of persons therefrom is normally or customarily invited or permitted.

§ 47-a. Employment of persons with a disability. Unless it can be clearly shown that a person's disability would prevent such person from performing the particular job no person who is otherwise qualified shall be denied equal opportunities to obtain and/or maintain employment and/or to advance in position in his job solely because said person is a person with a disability and is accompanied by a guide dog, hearing dog or service dog regardless of whether the employer or prospective employer is the state or any political subdivision thereof or any other category of employer.

§ 47-b. Miscellaneous provisions. 1. Persons with a disability

accompanied by guide dogs, hearing dogs or service dogs shall be guaranteed the right to have such dogs in their immediate custody while exercising any of the rights and privileges set forth in this article, provided that in instances of employment pursuant to section forty-seven-a of this article, such dog has been trained by a qualified person. Blind persons shall, further, have the right to carry a cane in their immediate custody while exercising any of the rights and privileges set forth in this section.

2. No person or legal entity, public or private, shall attempt to impose or maintain any direct or indirect additional charge for the admittance of a guide dog, hearing dog or service dog accompanying a person with a disability, nor shall any conditions or restrictions not specifically set forth in this article be imposed on the person's rights as set forth herein.

3. A person engaged in training a dog to guide or otherwise aid persons with a disability, while engaged in such training activities, and a person with a disability for whom the dog is being trained, shall have the same rights and privileges set forth for persons with a disability in this article.

4. The term "guide dog", or "hearing dog" shall mean a dog that is under the control, consistent with federal regulations implementing the Americans with Disabilities Act, Title III, at 28 CFR 36.302(c), of the person using or training it and has been or is being trained to guide or otherwise to aid a person with a disability.

5. For the purposes of this article the term "disability" shall have the same meaning as provided for in subdivision twenty-one of section two hundred ninety-two of the executive law.

6. Any law, rule, or regulation conflicting with any provision of this article is, to the extent of said conflict only, deemed to be superseded by the provisions of this article.

7. "Service dog" means any dog under the control, consistent with

federal regulations implementing the Americans with Disabilities Act, Title III, at 28 CFR 36.302(c), of the person using or training it, and that has been or is being individually trained to do work or perform tasks for the benefit of a person with a disability.

§ 47-c. Penalties. 1. Any person or legal entity, public or private, violating any provision of this article shall be guilty of a violation.

2. Any person or legal entity, public or private, violating section forty-seven and/or subdivision one or two of section forty-seven-b of this article two or more times within a two year period shall be guilty of a violation punishable by a fine of one thousand dollars.

ARTICLE 4-C

EMPLOYMENT OF PERSONS WITH CERTAIN GENETIC DISORDERS

Section 48. Definitions.

48-a. Employment of persons with certain genetic disorders.

48-b. Penalties.

§ 48. Definitions. As used in this article, the term "unique genetic disorder" shall mean and be limited to sickle cell trait, carriers of Tay-sachs disease or carriers of Cooley's anemia.

§ 48-a. Employment of persons with certain genetic disorders. Unless it can be clearly shown that a person's unique genetic disorder would prevent such person from performing the particular job, no person who is otherwise qualified shall be denied equal opportunities to obtain and/or maintain employment and/or to advance in position in his job solely because said person has a unique genetic disorder regardless of whether the employer or prospective employer is the state or any political subdivision thereof or any other category of employer.

§ 48-b. Penalties. Any person or legal entity, public or private, who or which violates any provision of section forty-eight-a of this article shall be guilty of a violation.

ARTICLE 5

Right of Privacy

- Section 50. Right of privacy.
- 50-b. Right of privacy; victims of sex offenses or offenses involving the transmission of the human immunodeficiency virus.
 - 50-c. Private right of action.
 - 50-d. Personnel records of court officers.
 - 50-e. Personnel records of bridge and tunnel officers, sergeants and lieutenants.
 - 50-f. Right of publicity.
 - 50-g. Disclosure of convictions sealed pursuant to section 160.57 of the criminal procedure law.
 - 51. Action for injunction and for damages.
 - 52. Televising, broadcasting or taking motion pictures of certain proceedings prohibited.
 - 52-a. Private right of action for unwarranted video imaging of residential premises.
 - 52-b. Private right of action for unlawful dissemination or publication of an intimate image.
 - 52-c. Private right of action for unlawful dissemination or publication of a sexually explicit depiction of an individual.
 - 52-c*2. Employers engaged in electronic monitoring; prior notice required.
 - 52-d. Private right of action for unlawful dissemination or publication of a personal image.

§ 50. Right of privacy. A person, firm or corporation that uses for advertising purposes, or for the purposes of trade, the name, portrait, picture, likeness, or voice of any living person without having first

obtained the written consent of such person, or if a minor of such minor's parent or guardian, is guilty of a misdemeanor.

§ 50-b. Right of privacy; victims of sex offenses or offenses involving the transmission of the human immunodeficiency virus. 1. The identity of any victim of a sex offense, as defined in article one hundred thirty or section 255.25, 255.26 or 255.27 of the penal law, or of an offense involving the alleged transmission of the human immunodeficiency virus, shall be confidential. No report, paper, picture, photograph, court file or other documents, in the custody or possession of any public officer or employee, which identifies such a victim shall be made available for public inspection. No such public officer or employee shall disclose any portion of any police report, court file, or other document, which tends to identify such a victim except as provided in subdivision two of this section.

2. The provisions of subdivision one of this section shall not be construed to prohibit disclosure of information to:

a. Any person charged with the commission of an offense, as defined in subdivision one of this section, against the same victim; the counsel or guardian of such person; the public officers and employees charged with the duty of investigating, prosecuting, keeping records relating to the offense, or any other act when done pursuant to the lawful discharge of their duties; and any necessary witnesses for either party; or

b. Any person who, upon application to a court having jurisdiction over the alleged offense, demonstrates to the satisfaction of the court that good cause exists for disclosure to that person. Such application shall be made upon notice to the victim or other person legally responsible for the care of the victim, and the public officer or employee charged with the duty of prosecuting the offense; or

c. Any person or agency, upon written consent of the victim or other person legally responsible for the care of the victim, except as may be otherwise required or provided by the order of a court.

3. The court having jurisdiction over the alleged offense may order any restrictions upon disclosure authorized in subdivision two of this section, as it deems necessary and proper to preserve the confidentiality of the identity of the victim.

4. Nothing contained in this section shall be construed to require the court to exclude the public from any stage of the criminal proceeding.

5. No disclosure of confidential HIV related information, as defined in section twenty-seven hundred eighty of the public health law, including the identity of the victim of an offense involving transmission of the human immunodeficiency virus, shall be permitted under this section contrary to article twenty-seven-F of the public health law.

§ 50-c. Private right of action. If the identity of the victim of an offense defined in subdivision one of section fifty-b of this article is disclosed in violation of such section, any person injured by such disclosure may bring an action to recover damages suffered by reason of such wrongful disclosure. In any action brought under this section, the court may award reasonable attorney's fees to a prevailing plaintiff.

§ 50-d. Personnel records of court officers. 1. As used in this section, "personnel records of court officers" means all personnel records of court officers as defined in paragraph a of subdivision twenty-one of section 2.10 of the criminal procedure law, used to evaluate performance toward continued employment or promotion, and under the control of the office of court administration.

2. Personnel records of court officers shall be disclosed in a court action pursuant to the relevant provisions of the criminal procedure law, the civil practice law and rules, or any other provision of law governing such disclosure only after the court has notified the subject of such record that such record may be disclosed in a court action and

the court has given the subject of such record an opportunity to be heard on the question of whether the records sought are relevant and material in the action before the court. If, after such hearing, the court determines that only a portion of such records are relevant and material in the action before it, it shall make those parts of the record found to be relevant and material available to the persons so requesting.

3. The provisions of this section shall not apply to any grand jury or any agency of government which requires the records described in subdivision one of this section in the furtherance of their official duties.

§ 50-e. Personnel records of bridge and tunnel officers, sergeants and lieutenants. 1. As used in this section, "personnel records of bridge and tunnel officers, sergeants and lieutenants" means all personnel records of bridge and tunnel officers, sergeants and lieutenants as defined in subdivision twenty of section 2.10 of the criminal procedure law, used to evaluate performance toward continued employment or promotion, and under the control of the Triborough bridge and tunnel authority.

2. Personnel records of bridge and tunnel officers, sergeants and lieutenants shall be disclosed in a court action pursuant to the relevant provisions of the criminal procedure law, the civil practice law and rules, or any other provision of law governing such disclosure only after the court has notified the subject of such record that such record may be disclosed in a court action and the court has given the subject of such record an opportunity to be heard on the question of whether the records sought are relevant and material in the action before the court. If, after such hearing, the court determines that only a portion of such records are relevant and material in the action before it, it shall make those parts of the record found to be relevant and material available to the persons so requesting.

3. The provisions of this section shall not apply to any grand jury or

any agency of government which requires the records described in subdivision one of this section in the furtherance of their official duties.

§ 50-f. Right of publicity. 1. For purposes of this section:

a. "deceased performer" means a deceased personality domiciled in this state at the time of death who, for gain or livelihood, was regularly engaged in acting, singing, dancing, or playing a musical instrument.

b. "deceased personality" means any deceased natural person domiciled in this state at the time of death whose name, voice, signature, photograph, or likeness has commercial value at the time of such natural person's death, or because of such natural person's death, whether or not during the lifetime of that natural person the person used such natural person's name, voice, signature, photograph, or likeness on or in products, merchandise, or goods, or for purposes of advertising or selling, or solicitation of purchase of, products, merchandise, goods, or services.

c. "digital replica" means a newly created, computer-generated, highly realistic electronic representation that is readily identifiable as the voice or visual likeness of an individual that is embodied in a sound recording, image, audiovisual work, including an audiovisual work that does not have any accompanying sounds, or transmission in which: (i) the actual individual did not actually perform or appear; or (ii) the actual individual did perform or appear, but the fundamental character of the performance or appearance has been materially altered. A digital replica does not include the electronic reproduction, use of a sample of one sound recording or audiovisual work into another, remixing, mastering, or digital remastering of a sound recording or audiovisual work authorized by the copyright holder.

d. "sound recordings" are works that result from the fixation of a series of musical, spoken, or other sounds, but not including the sounds accompanying a motion picture or other audiovisual work, regardless of

the nature of the material objects, such as disks, tapes, or other phonorecords, in which they are embodied.

2. a. Any person who uses a deceased personality's name, voice, signature, photograph, or likeness, in any manner, on or in products, merchandise, or goods, or for purposes of advertising or selling, or soliciting purchases of, products, merchandise, goods, or services, without prior consent from the person or persons specified in subdivision four of this section, shall be liable for any damages sustained by the person or persons injured as a result thereof.

b. Any person who uses a deceased performer's digital replica in an audiovisual work, sound recording, or for the live performance of a musical work, with knowledge that the use was of a digital replica and was not authorized by the applicable right holder, shall be liable for any damages sustained by the person or persons injured as a result thereof if the use occurs without prior consent from the person or persons in subdivision four of this section.

c. In any action brought under this section:

i. the person who violated the section shall be liable to the injured party or parties in an amount equal to the greater of two thousand dollars or the compensatory damages suffered by the injured party or parties, as a result of the unauthorized use, and any profits from the unauthorized use that are attributable to such use and are not taken into account in computing the compensatory damages.

ii. in establishing profits under this subdivision, the injured party or parties shall be required to present proof only of the gross revenue attributable to the unauthorized use, and the person who violated this section is required to prove such person's deductible expenses.

iii. punitive damages may also be awarded to the injured party or parties.

d. For purposes of this subdivision:

i. it shall not be a violation of paragraph a of this subdivision if the work is a play, book, magazine, newspaper, or other literary work; musical work or composition; work of art or other visual work; work of political, public interest, educational or newsworthy value, including comment, criticism, parody or satire; audio or audiovisual work, radio or television program, if it is fictional or nonfictional entertainment; or an advertisement or commercial announcement for any of the foregoing works.

ii. it shall not be a violation of paragraph b of this subdivision if the work is of parody, satire, commentary, or criticism; works of political or newsworthy value, or similar works, such as documentaries, docudramas, or historical or biographical works, including some degree of fictionalization; a representation of a deceased performer as themselves, including some degree of fictionalization, except in a live performance of a musical work; de minimis or incidental; or an advertisement or commercial announcement for any of the foregoing works.

iii. it shall not be a violation of this section if the use of a name, voice, signature, photograph, or likeness occurs in connection with any news, public affairs, or sports program or account, regardless of format, medium or means of transmission, or any political campaign.

iv. it shall not be a violation of this section if the use is of a name, voice, signature, photograph, or likeness in a commercial medium solely because the material containing the use is commercially sponsored or contains paid advertising or product placement, or includes within it a use in connection with a product, article of merchandise, good, or service. Rather, it shall be a question of fact whether or not the use of the deceased personality's name, voice, signature, photograph, or likeness was so directly connected with the commercial sponsorship or with the paid advertising or product placement as to constitute a use for which consent is required under this subdivision.

v. works identified pursuant to this paragraph shall not violate this section, regardless of the medium or means of transmission.

e. In relation to a violation of paragraph a of this subdivision, if a work that is protected under paragraph d of this subdivision includes within it a use in connection with a product, article of merchandise, good, or service, this use shall not be exempt under paragraph d of this subdivision, notwithstanding the unprotected use's inclusion in a work otherwise exempt under paragraph d of this subdivision, if the claimant proves that this use is so directly connected with a product, article of merchandise, good, or service as to constitute an act of advertising, selling, or soliciting purchases of that product, article of merchandise, good, or service by the deceased personality without prior consent for the use under paragraph a of this subdivision from the person or persons specified in subdivision four of this section.

3. The rights recognized under this section are property rights, freely transferable or descendible, in whole or in part, by contract, license, gift, or by means of any trust or any other testamentary instrument. In the absence of an express transfer in a testamentary instrument of the deceased personality's rights in such deceased personality's name, voice, signature, photograph, or likeness, a provision in the testamentary instrument that provides for the disposition of the residue of the deceased personality's assets shall be effective to transfer the rights recognized under this section in accordance with the terms of that provision. The rights established by this section shall also be freely transferable or descendible by contract, license, gift, trust, or any other testamentary instrument by any subsequent owner of the deceased personality's rights as recognized by this section. Nothing in this section shall be construed to render invalid or unenforceable any contract entered into by a deceased personality during such deceased personality's lifetime by which the deceased personality assigned the rights, in whole or in part, to use such deceased personality's name, voice, signature, photograph, or likeness.

4. The consent required by this section shall be exercisable by the person or persons to whom the right of consent, or portion thereof, has been transferred in accordance with subdivision three of this section,

or if no transfer has occurred, then by the person or persons to whom the right of consent, or portion thereof, has passed in accordance with subdivision five of this section.

5. Subject to subdivisions three and four of this section, the rights under this section of an individual dying intestate shall be distributed under the laws of intestate succession, and the rights and remedies of this article may be exercised and enforced by a person or persons who possess at least a fifty-one percent interest of the individual's rights under this section. Such persons shall make a proportional accounting to, and shall act at all times in good faith with respect to, any other person in whom the rights being enforced have vested.

6. If any deceased personality does not transfer such deceased personality's rights under this section by contract, or by means of a trust or testamentary instrument, and there are no surviving persons as described in subdivision five of this section, then the rights set forth in subdivision two of this section shall terminate.

7. a. Any person claiming to be a successor in interest to the rights of a deceased personality under this section or a licensee thereof may register that claim with the secretary of state on a form prescribed by the secretary of state and upon payment of a fee, which the secretary of state shall set by rule. The form shall be verified and shall include the name and date of death of the deceased personality, the name and address of the claimant, the basis of the claim, and the rights claimed. A successor in interest to the rights of a deceased personality under this section or a licensee thereof shall not have a cause of action for a use prohibited by this section that occurs before the successor in interest or licensee registers a claim of the rights.

b. Upon receipt and after filing of any document under this section, the secretary of state shall post the document along with the entire registry of persons claiming to be a successor in interest to the rights of a deceased personality or a registered licensee under this section upon the secretary of state's internet website.

c. Claims registered under this subdivision shall be public records.

8. An action shall not be brought under this section by reason of any use of a deceased personality's name, voice, signature, photograph, or likeness occurring after the expiration of forty years after the death of the deceased personality.

9. Nothing in this section shall apply to the owners or employees of any medium used for advertising, including, but not limited to, newspapers, magazines, radio and television networks and stations, streaming services, cable television systems, billboards, and transit advertisements, by whom any advertisement or solicitation in violation of this section is published or disseminated, unless it is established that the owners or employees had actual knowledge by prior notification of the unauthorized use of the deceased performer's digital replica or deceased personality's name, voice, signature, photograph, or likeness as prohibited by this section.

10. Nothing in this section shall apply to a person that offers a service that displays, offers for sale or license, sells or licenses a work of art or other visual work, or audiovisual work, to a user, provided the terms of such sale or license do not authorize such user to engage in acts that constitute a violation of this section, unless it is established that the person received a notice from the successor in interest of the deceased performer's digital replica rights based on a good faith belief that the display, offer for sale or license of the digital replica on the service is not authorized by the applicable right holder or the law, and the person has not removed the work containing the digital replica as soon as is technically and practically feasible.

11. The provisions of this section are in addition to, but shall not supersede, any other rights or remedies available in law or equity.

12. This section shall apply to the adjudication of liability and the imposition of any damages or other remedies in cases in which the liability, damages, and other remedies arise from acts occurring directly in this state. For purposes of this section, acts giving rise

to liability shall be limited to the use, on or in products, merchandise, goods, or services, or the advertising or selling, or soliciting purchases of, products, merchandise, goods, or services prohibited by this section.

13. Nothing in this section shall be construed to limit, or to enlarge, the protections that 47 U.S.C. § 230 confers on an interactive computer service for content provided by another information content provider, as such terms are defined in 47 U.S.C. § 230.

§ 50-g. Disclosure of convictions sealed pursuant to section 160.57 of the criminal procedure law. 1. Any person who has had a conviction sealed pursuant to section 160.57 of the criminal procedure law may bring a cause of action for damages against a party who, without consent of such person, discloses such sealed conviction where: (a) the respondent owed such person a duty of care pursuant to such section; (b) the respondent knowingly and willfully breached such duty; (c) the disclosure caused injury to such person; and (d) respondent's breach of that duty was a substantial factor in the events that caused the injury suffered by such person. The provisions of this section are in addition to, but shall not supersede, any other rights or remedies available in law or equity.

2. For purposes of this section, a party owes a duty of care to a person who has had a conviction sealed pursuant to section 160.57 of the criminal procedure law when the party is under an obligation pursuant to subdivision two of such section to seal information, records, documents or papers related to such conviction, or when the party obtains access to records of such conviction for a specified purpose pursuant to paragraph (d) of subdivision one, or subdivision three of such section.

§ 51. Action for injunction and for damages. Any person whose name, portrait, picture, likeness or voice is used within this state for advertising purposes or for the purposes of trade without the written consent first obtained as above provided may maintain an equitable

action in the supreme court of this state against the person, firm or corporation so using such person's name, portrait, picture, likeness or voice, to prevent and restrain the use thereof; and may also sue and recover damages for any injuries sustained by reason of such use and if the defendant shall have knowingly used such person's name, portrait, picture, likeness or voice in such manner as is forbidden or declared to be unlawful by section fifty of this article, the jury, in its discretion, may award exemplary damages. But nothing contained in this article shall be so construed as to prevent any person, firm or corporation from selling or otherwise transferring any material containing such name, portrait, picture, likeness or voice in whatever medium to any user of such name, portrait, picture, likeness or voice, or to any third party for sale or transfer directly or indirectly to such a user, for use in a manner lawful under this article; nothing contained in this article shall be so construed as to prevent any person, firm or corporation, practicing the profession of photography, from exhibiting in or about their establishment specimens of the work of such establishment, unless the same is continued by such person, firm or corporation after written notice objecting thereto has been given by the person portrayed; and nothing contained in this article shall be so construed as to prevent any person, firm or corporation from using the name, portrait, picture, likeness or voice of any manufacturer or dealer in connection with the goods, wares and merchandise manufactured, produced or dealt in by such manufacturer or dealer which they have sold or disposed of with such name, portrait, picture, likeness or voice used in connection therewith; or from using the name, portrait, picture, likeness or voice of any author, composer or artist in connection with their literary, musical or artistic productions which they have sold or disposed of with such name, portrait, picture, likeness or voice used in connection therewith. Nothing contained in this section shall be construed to prohibit the copyright owner of a sound recording from disposing of, dealing in, licensing or selling that sound recording to any party, if the right to dispose of, deal in, license or sell such sound recording has been conferred by contract or other written document by such living person or the holder of such right. Nothing contained in the foregoing sentence shall be deemed to abrogate or otherwise limit any rights or remedies otherwise conferred by federal law or state law.

§ 52. Televising, broadcasting or taking motion pictures of certain proceedings prohibited. No person, firm, association or corporation shall televise, broadcast, take motion pictures or arrange for the televising, broadcasting, or taking of motion pictures within this state of proceedings, in which the testimony of witnesses by subpoena or other compulsory process is or may be taken, conducted by a court, commission, committee, administrative agency or other tribunal in this state; except that the prohibition contained in this section shall not apply to public hearings conducted by the public service commission with regard to rates charged by utilities, or to proceedings by either house of the state legislature or committee or joint committee of the legislature or by a temporary state commission which includes members of the legislature, so long as any testimony of witnesses which is taken is taken without resort to subpoena or other compulsory process, if (1) the consent of the temporary president of the senate or the speaker of the assembly, in the case of the respective houses of the state legislature, or the chairman, in the case of such a committee or commission, and a majority of the members thereof present at such proceedings, shall have been first obtained, provided, however, that in the case of the public rate hearings of the public service commission, it shall be sufficient to obtain the consent of the presiding officer, (2) the written consent of the witness testifying at the time shall have been obtained, prior to the time of his testifying, and (3) it has been determined by such presiding officer or chairman and such majority of the members that it is in the public interest to permit the televising, broadcasting or taking of motion pictures.

Any violation of this section shall be a misdemeanor.

§ 52-a. Private right of action for unwarranted video imaging of residential premises. 1. Any owner or tenant of residential real property shall have a private right of action for damages against any person who installs or affixes a video imaging device on property adjoining such residential real property for the purpose of video taping

or taking moving digital images of the recreational activities which occur in the backyard of the residential real property without the written consent thereto of such owner and/or tenant with intent to harass, annoy or alarm another person, or with intent to threaten the person or property of another person. The provisions of this section shall not apply to any law enforcement personnel engaged in the conduct of their authorized duties.

2. For the purposes of this section, "backyard" shall mean that portion of the parcel on which residential real property is located which extends beyond the rear footprint of the residential dwelling situated thereon, and to the side and rear boundaries of such parcel extending beyond the rear footprint of such residential dwelling.

§ 52-b. Private right of action for unlawful dissemination or publication of an intimate image. 1. Any person depicted in a still or video image, including an image created or altered by digitization, regardless of whether or not the original still or video image was consensually obtained, shall have a cause of action against an individual who, for the purpose of harassing, annoying or alarming such person, disseminated or published, or threatened to disseminate or publish, such still or video image, where such image:

a. was taken when such person had a reasonable expectation that the image would remain private; and

b. depicts (i) an unclothed or exposed intimate part of such person; or (ii) such person engaging in sexual conduct, as defined in subdivision ten of section 130.00 of the penal law, with another person; and

c. was disseminated or published, or threatened to be disseminated or published, without the consent of such person.

2. In any action commenced pursuant to subdivision one of this section, the finder of fact, in its discretion, may award injunctive

relief, punitive damages, compensatory damages and reasonable court costs and attorney's fees.

3. This section shall not apply to the following:

a. the reporting of unlawful conduct;

b. dissemination or publication of an intimate still or video image made during lawful and common practices of law enforcement, legal proceedings or medical treatment;

c. images involving voluntary exposure in a public or commercial setting; or

d. dissemination or publication of an intimate still or video image made for a legitimate public purpose.

4. Any person depicted in a still or video image, including an image created or altered by digitization, that depicts an unclothed or exposed intimate part of such person, or such person engaging in sexual conduct as defined in subdivision ten of section 130.00 of the penal law with another person, which is disseminated or published without the consent of such person and where such person had a reasonable expectation that the image would remain private, may maintain an action or special proceeding for a court order to require any website that is subject to personal jurisdiction under subdivision five of this section to permanently remove such still or video image; any such court order granted pursuant to this subdivision may direct removal only as to images that are reasonably within such website's control.

5. a. Any website that hosts or transmits a still or video image, including an image created or altered by digitization, viewable in this state, taken under circumstances where the person depicted had a reasonable expectation that the image would remain private, which depicts:

(i) an unclothed or exposed intimate part, as defined in section 245.15 of the penal law, of a resident of this state; or

(ii) a resident of this state engaging in sexual conduct as defined in subdivision ten of section 130.00 of the penal law with another person; and

b. Such still or video image is hosted or transmitted without the consent of such resident of this state, shall be subject to personal jurisdiction in a civil action in this state to the maximum extent permitted under the United States constitution and federal law.

6. A cause of action or special proceeding under this section shall be commenced the later of either:

a. three years after the dissemination or publication of an image; or

b. one year from the date a person discovers, or reasonably should have discovered, the dissemination or publication of such image.

7. Nothing herein shall be read to require a prior criminal complaint, prosecution or conviction to establish the elements of the cause of action provided for by this section.

8. The provisions of this section are in addition to, but shall not supersede, any other rights or remedies available in law or equity.

9. If any provision of this section or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

10. Nothing in this section shall be construed to limit, or to enlarge, the protections that 47 U.S.C § 230 confers on an interactive computer service for content provided by another information content provider, as such terms are defined in 47 U.S.C. § 230.

11. For purposes of this section, "digitization" means the use of software, machine learning, artificial intelligence, or any other

computer-generated or technological means, including adapting, modifying, manipulating, or altering a realistic depiction.

*** § 52-c. Private right of action for unlawful dissemination or publication of a sexually explicit depiction of an individual.** 1. For the purposes of this section:

a. "depicted individual" means an individual who appears, as a result of digitization, to be giving a performance they did not actually perform or to be performing in a performance that was actually performed by the depicted individual but was subsequently altered to be in violation of this section.

b. "digitization" means to realistically depict the nude body parts of another human being as the nude body parts of the depicted individual, computer-generated nude body parts as the nude body parts of the depicted individual or the depicted individual engaging in sexual conduct, as defined in subdivision ten of section 130.00 of the penal law, in which the depicted individual did not engage. "Digitization" may also mean the use of software, machine learning, artificial intelligence, or any other computer-generated or technological means, including adapting, modifying, manipulating, or altering a realistic depiction.

c. "individual" means a natural person.

d. "person" means a human being or legal entity.

e. "sexually explicit material" means any portion of an audio visual work that shows the depicted individual:

i. performing in the nude, meaning with an unclothed or exposed intimate part, as defined in section 245.15 of the penal law;

ii. appearing to engage in, or being subjected to, sexual conduct, as defined in subdivision ten of section 130.00 of the penal law; or

iii. posed in a manner intended to elicit sexual arousal or gratification and where a person would have a reasonable expectation of privacy.

2. a. A depicted individual shall have a cause of action against a person who, discloses, disseminates or publishes sexually explicit material related to the depicted individual, and the person knows or reasonably should have known the depicted individual in that material did not consent to its creation, disclosure, dissemination, or publication.

b. It shall not be a defense to an action under this section that there is a disclaimer in the sexually explicit material that communicates that the inclusion of the depicted individual in the sexually explicit material was unauthorized or that the depicted individual did not participate in the creation or development of the material.

3. a. A depicted individual may only consent to the creation, disclosure, dissemination, or publication of sexually explicit material by knowingly and voluntarily signing an agreement written in plain language that includes a general description of the sexually explicit material and the audiovisual work in which it will be incorporated.

b. A depicted individual may rescind consent by delivering written notice within three business days from the date consent was given to the person in whose favor consent was made, unless one of the following requirements is satisfied:

i. the depicted individual is given at least three business days to review the terms of the agreement before signing it; or

ii. if the depicted individual is represented, the attorney, talent agent, or personal manager authorized to represent the depicted individual provides additional written approval of the signed agreement.

4. a. A person is not liable under this section if:

i. the person discloses, disseminates or publishes the sexually explicit material in the course of reporting unlawful activity, exercising the person's law enforcement duties, or hearings, trials or other legal proceedings; or

ii. the sexually explicit material is a matter of legitimate public concern, a work of political or newsworthy value or similar work, or commentary, criticism or disclosure that is otherwise protected by the constitution of this state or the United States; provided that sexually explicit material shall not be considered of newsworthy value solely because the depicted individual is a public figure.

5. In any action commenced pursuant to this section, the finder of fact, in its discretion, may award injunctive relief, punitive damages, compensatory damages, and reasonable court costs and attorney's fees.

6. A cause of action or special proceeding under this section shall be commenced the later of either:

a. three years after the dissemination or publication of sexually explicit material; or

b. one year from the date a person discovers, or reasonably should have discovered, the dissemination or publication of such sexually explicit material.

7. Nothing in this section shall be read to require a prior criminal complaint, prosecution or conviction to establish the elements of the cause of action provided for in this section.

8. The provisions of this section including the remedies are in addition to, and shall not supersede, any other rights or remedies available in law or equity.

9. If any provision of this section or its application to any person

or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

10. Nothing in this section shall be construed to limit, or to enlarge, the protections that 47 U.S.C. § 230 confers on an interactive computer service for content provided by another information content provider, as such terms are defined in 47 U.S.C. § 230.

* NB There are 2 § 52-c's

***§ 52-c. Employers engaged in electronic monitoring; prior notice required.** 1. For purposes of this section, employer means any individual, corporation, partnership, firm, or association with a place of business in the state. It shall not include the state or any political subdivision of the state.

2. (a) Any employer who monitors or otherwise intercepts telephone conversations or transmissions, electronic mail or transmissions, or internet access or usage of or by an employee by any electronic device or system, including but not limited to the use of a computer, telephone, wire, radio, or electromagnetic, photoelectronic or photo-optical systems, shall give prior written notice upon hiring to all employees who are subject to electronic monitoring. The notice required by this subdivision shall be in writing, in an electronic record, or in another electronic form and acknowledged by the employee either in writing or electronically. Each employer shall also post the notice of electronic monitoring in a conspicuous place which is readily available for viewing by its employees who are subject to electronic monitoring.

(b) For purposes of written notice required by paragraph (a) of this subdivision, an employee shall be advised that any and all telephone conversations or transmissions, electronic mail or transmissions, or internet access or usage by an employee by any electronic device or system, including but not limited to the use of a computer, telephone, wire, radio or electromagnetic, photoelectronic or photo-optical systems

may be subject to monitoring at any and all times and by any lawful means.

3. The attorney general may enforce the provisions of this section. Any employer found to be in violation of this section shall be subject to a maximum civil penalty of five hundred dollars for the first offense, one thousand dollars for the second offense and three thousand dollars for the third and each subsequent offense.

4. The provisions of this section shall not apply to processes that are designed to manage the type or volume of incoming or outgoing electronic mail or telephone voice mail or internet usage, that are not targeted to monitor or intercept the electronic mail or telephone voice mail or internet usage of a particular individual, and that are performed solely for the purpose of computer system maintenance and/or protection.

* NB There are 2 § 52-c's

§ 52-d. Private right of action for unlawful dissemination or publication of a personal image. 1. Any crime victim depicted in a still or video image which was unlawfully disseminated as provided in section 250.71 of the penal law shall have a cause of action against such individual who disseminated or published such still or video image without the consent of the person depicted in the image in violation of section 250.71 of the penal law.

2. In any action commenced pursuant to subdivision one of this section, the finder of fact, in its discretion, may award injunctive relief, punitive damages, compensatory damages and reasonable court costs and attorneys' fees.

3. This section shall not apply to the following:

- a. the reporting of suspected unlawful conduct to law enforcement;
- b. the dissemination or publication of an image made in the course of

official law enforcement duties, legal proceedings or criminal prosecution, or medical treatment; or

c. the dissemination or publication of an image made for a legitimate public discourse concerning local, national, or worldwide events or other matters of public concern or public interest or affecting the public welfare; any work of public interest, educational or newsworthy value, including comment, criticism, parody or satire, and works of entertainment, regardless of the degree of fictionalization; or an advertisement or commercial announcement for any of the foregoing works.

4. Any such crime victim depicted in a still or video image which was unlawfully disseminated as provided in section 250.71 of the penal law, or such person's estate, may maintain an action or special proceeding for a court order to require any social media platform that is subject to personal jurisdiction under subdivision five of this section to permanently remove such still or video image; any such court order granted pursuant to this subdivision may direct removal only as to images that are reasonably within such social media platform's control.

5. A cause of action or special proceeding under this section shall be commenced the later of either:

a. three years after the dissemination or publication of such image;
or

b. one year from the date the plaintiff or petitioners discovered, or reasonably should have discovered, such dissemination or publication of such image.

6. Nothing in this section shall be read to require a prior criminal complaint, prosecution or conviction to establish the elements of the cause of action provided for by this section.

7. The provisions of this section are in addition to, but shall not supersede, any other rights or remedies available in law or equity.

8. If any provision of this section or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

9. Nothing in this section shall be construed to limit, or to enlarge, the protections that 47 U.S.C. § 230 confers on an interactive computer service for content provided by another information content provider, as such terms are defined in 47 U.S.C. § 230.

ARTICLE V-A.

MEMBERSHIP CORPORATIONS AND UNINCORPORATED ASSOCIATIONS.

Section 53. Copies of documents and statements to be filed.

54. Resolutions concerning political matters.

55. Anonymous communications prohibited.

56. Offenses; penalties.

57. Additional penalties.

§ 53. Copies of documents and statements to be filed. Every existing membership corporation, and every existing unincorporated association having a membership of twenty or more persons, which corporation or association requires an oath as a prerequisite or condition of membership, other than a labor union, a fraternity or sorority having chapters composed only of students in or alumni of colleges and universities in this and another state or states, or a chapter of such fraternity or sorority, or a benevolent order mentioned in the benevolent orders law, within thirty days after this article takes effect, and every such corporation or association hereafter organized, within ten days after the adoption thereof, shall file with the secretary of state a sworn copy of its constitution, by-laws, rules, regulations and oath of membership, together with a roster of its membership and a list of its officers for the current year. Every such corporation and association shall, in case its constitution, by-laws, rules, regulations or oath of membership or any part thereof, be

revised, changed, or amended, within ten days after such revision or amendment file with the secretary of state a sworn copy of such revised, changed or amended constitution, by-law, rule, regulation or oath of membership. Every such corporation or association shall within thirty days after a change has been made in its officers file with the secretary of state a sworn statement showing such change. Every such corporation or association shall at intervals of six months file with the secretary of state a sworn statement showing the names and addresses of such additional members as have been received in such corporation or association during such interval.

§ 54. Resolutions concerning political matters. Every such corporation or association shall, within ten days after the adoption thereof, file in the office of the secretary of state every resolution, or the minutes of any action of such corporation or association, providing for concerted action of its members or of a part thereof to promote or defeat legislation, federal, state or municipal, or to support or to defeat any candidate for political office.

§ 55. Anonymous communications prohibited. It shall be unlawful for any such corporation or association to send, deliver, mail or transmit to any person in this state who is not a member of such corporation or association any anonymous letter, document, leaflet or other written or printed matter, and all such letters, documents, leaflets or other written or printed matter, intended for a person not a member of such corporation or association, shall bear on the same the name of such corporation or association and the names of the officers thereof together with the addresses of the latter.

§ 56. Offenses; penalties. Any corporation or association violating any provision of this article shall be guilty of a misdemeanor punishable by a fine of not less than one thousand dollars nor more than ten thousand dollars. Any officer of such corporation or association and every member of the board of directors, trustees or other similar

body, who violates any provision of this article or permits or acquiesces in the violation of any provision of this article by any such corporation shall be guilty of a misdemeanor. Any person who becomes a member of any such corporation or association, or remains a member thereof, or attends a meeting thereof, with knowledge that such corporation or association has failed to comply with any provision of this article, shall be guilty of a misdemeanor.

§ 57. Additional penalties. In addition to the penalties provided by section fifty-six of this article, a violation of the provisions of this article may be restrained at the suit of the people by the attorney-general.

ARTICLE 6 CHANGE OF NAME

- Section 60. Petition for change of name.
- 61. Contents.
 - 62. Notice.
 - 63. Order.
 - 64. Effect.
 - 64-a. Sealing name change papers.
 - 65. Optional change of name upon marriage, divorce or annulment.

§ 60. Petition for change of name. 1. A petition for leave to assume another name may be made by a resident of the state to the county court of the county or the supreme court in the county in which the petitioner resides, or, if the petitioner resides in the city of New York, either to the supreme court or to any branch of the civil court of the city of New York, in any county of the city of New York. The petition to change the name of an infant may be made by the infant through the infant's next friend, or by either of the infant's parents, or by the infant's general guardian, or by the guardian of the infant's person, or by the infant's attorney.

2. An application may be made in family court seeking a name-change of a child under the age of eighteen as part of a pending, related proceeding. Such application may be made by any of the parties to the proceeding or by the attorney for the child. An application for a name change made in family court shall only be granted where it is on consent of all parties.

§ 61. Contents. 1. The petition shall be in writing, signed by the petitioner and verified in like manner as a pleading in a court of record, and shall specify the grounds of the application, the name, date of birth, place of birth, age and residence of the individual whose name is proposed to be changed and the name which he or she proposes to assume. The petition shall also specify (a) whether or not the petitioner has been convicted of a crime or adjudicated a bankrupt; (b) whether or not there are any judgments or liens of record against the petitioner or actions or proceedings pending to which the petitioner is a party, and, if so, the petitioner shall give descriptive details in connection therewith sufficient to readily identify the matter referred to; (c) whether or not the petitioner is responsible for child support obligations; (d) whether or not the petitioner's child support obligations have been satisfied and are up to date; (e) the amount of a child support arrearage that currently is outstanding along with the identity of the court which issued the support order and the county child support collections unit; (f) whether or not the petitioner is responsible for spousal support obligations; (g) whether or not the petitioner's spousal support obligations have been satisfied and are up to date; and (h) the amount of spousal support arrearage that currently is outstanding along with the identity of the court which issued the support order.

2. If the petitioner stands convicted of a violent felony offense as defined in section 70.02 of the penal law or a felony defined in article one hundred twenty-five of such law or any of the following provisions of such law sections 130.25, 130.30, 130.40, 130.45, 255.25, 255.26, 255.27, article two hundred sixty-three, 135.10, 135.25, 230.05, 230.06,

subdivision two of section 230.30 or 230.32, and is currently confined as an incarcerated individual in any correctional facility or currently under the supervision of the department of corrections and community supervision or a county probation department as a result of such conviction, the petition shall for each such conviction specify such felony conviction, the date of such conviction or convictions, and the court in which such conviction or convictions were entered.

3. Upon all applications for change of name by persons born in the state of New York, there shall be annexed to such petition either a birth certificate or a certified transcript thereof or a certificate of the commissioner or local board of health that none is available.

§ 62. Notice. 1. If the petition be to change the name of an infant, notice of the time and place when and where the petition will be presented must be served, in like manner as a notice of a motion upon an attorney in an action, upon (a) both parents of the infant, if they be living, unless the petition be made by one of the parents, in which case notice must be served upon the other, if he or she be living, and (b) the general guardian or guardian of the person, if there be one. But if any of the persons, required to be given notice by this section, reside without the state, then the notice required by this section must be sent by registered mail to the last known address of the person to be served. If it appears to the satisfaction of the court that a person required to be given notice by this section cannot be located with due diligence within the state, and that such person has no known address without the state, then the court may dispense with notice or require notice to be given to such persons and in such manner as the court thinks proper.

2. If the petition be to change the name of a person currently confined as an incarcerated individual in any correctional facility or currently under the supervision of the department of corrections and community supervision or a county probation department as a result of a conviction for a violent felony offense as defined in section 70.02 of the penal law or a felony defined in article one hundred twenty-five of such law or any of the following provisions of such law sections 130.25,

130.30, 130.40, 130.45, 255.25, 255.26, 255.27, article two hundred sixty-three, 135.10, 135.25, 230.05, 230.06, subdivision two of section 230.30 or 230.32, notice of the time and place when and where the petition will be presented shall be served, in like manner as a notice of a motion upon an attorney in an action, upon the district attorney of every county in which such person has been convicted of such felony and upon the court or courts in which the sentence for such felony was entered. Unless a shorter period of time is ordered by the court, said notice shall be served upon each such district attorney and court or courts not less than sixty days prior to the date on which such petition is noticed to be heard.

3. Except as provided in subdivisions one and two of this section, the court shall not require any other pre-hearing notice. Under no circumstances shall the court require notice to United States immigration and customs enforcement, United States customs and border protection, United States citizenship and immigration services, or any successor agencies, or any agencies having similar duties.

4. Except for applications in family court pursuant to section sixty of this article, the court shall not request or require consent from any party other than the petitioner, or in the case of a petitioner who does not have capacity to consent, their legal representative, as a condition of granting the name change or obtaining certified copies of the name change order.

§ 63. Order. If the court to which the petition is presented is satisfied thereby, or by the affidavit and certificate presented therewith, that the petition is true, and that there is no reasonable objection to the change of name proposed, and if the petition be to change the name of an infant, that the interests of the infant will be substantially promoted by the change, the court shall make an order authorizing the petitioner to assume the name proposed. The order shall further recite the date and place of birth of the applicant and, if the applicant was born in the state of New York, such order shall set forth the number of the applicant's birth certificate or that no birth

certificate is available. The order shall be directed to be entered and the papers on which it was granted to be filed in the clerk's office of the county in which the petitioner resides if they are an individual, or in the office of the clerk of the civil court of the city of New York if the order be made by that court.

§ 64. Effect. 1. If the order is entered, the petitioner shall be known by the name which is thereby authorized to be assumed. If the surname of a parent be changed as provided in this article, any minor child of such parent at the time of such change may thereafter assume such changed surname.

2. (a) If the petition states that the petitioner stands convicted of a violent felony offense as defined in section 70.02 of the penal law or a felony defined in article one hundred twenty-five of such law or any of the following provisions of such law sections 130.25, 130.30, former sections 130.40 and 130.45, sections 255.25, 255.26, 255.27, article two hundred sixty-three, 135.10, 135.25, 230.05, 230.06, subdivision two of section 230.30 or 230.32, the clerk of the court in which the order has been entered shall deliver, by first class mail, a copy of such certified order to the division of criminal justice services at its office in the county of Albany and (b) if the petition states that the petitioner is responsible for spousal support or child support obligations pursuant to court order, upon review of the petitioner's application for name change and subsequent inquiry, the court shall order the petitioner to deliver, by first class mail, the petitioner's new name with such certified order to the court of competent jurisdiction which imposed the orders of support. If a party to the order is receiving child support services pursuant to title six-A of article three of the social services law, a copy shall be mailed to the support collection unit of the applicable social services district providing such services to a party. Such certification shall appear on the original order and on any certified copy thereof and shall be entered in the court's minutes of the proceeding.

3. A name change order or other government issued document or court

issued documentation of a name change shall be sufficient to change the petitioner's name on any document or record issued or maintained by the state of New York or any subdivision thereof, or any private entity, including but not limited to, all school records for current and past students, archival records and marriage certificates. This section shall not apply when archival records cannot be accessed or when modifying archival records is otherwise prohibited by law. Failure of a public or private entity to comply with such a request may constitute a violation of section two hundred ninety-six of the executive law, section forty-c of this chapter and any applicable local non-discrimination law and may be the basis for a complaint to the New York state division of human rights and any other applicable enforcement entity.

§ 64-a. Sealing name change papers. 1. If the court shall find that open record of an applicant's change of name would jeopardize such applicant's personal safety, based on totality of the circumstances, the court shall, at the request of the applicant or sua sponte, order the records of such change of name proceeding be sealed, to be opened only by order of the court for good cause shown or at the request of the applicant. For the purposes of this section, "totality of the circumstances" shall include, but not be limited to, a consideration of the risk of violence or discrimination against the applicant, including such applicant's status as transgender or as the subject of domestic violence. The court shall not deny such sealing request solely on the basis that the applicant lacks specific instances of or a personal history of threat to personal safety.

2. Notwithstanding any other provision of law, pending such a finding in subdivision one of this section where an applicant seeks relief under this section, the court shall immediately order the applicant's current name, proposed new name, residential and business addresses, telephone numbers, and any other information contained in any pleadings or papers submitted to the court to be safeguarded and sealed in order to prevent their inadvertent or unauthorized use or disclosure while the matter is pending.

§ 65. Optional change of name upon marriage, divorce or annulment. 1.

Any person may, upon marriage, elect to assume a new name according to the provisions of paragraph (b) of subdivision one of section fifteen of the domestic relations law.

2. Any person may, upon divorce or annulment, elect to resume the use of a former surname or middle name according to the provisions of section two hundred forty-a of the domestic relations law.

3. The effect of the name changes accomplished in the manner prescribed in subdivisions one and two of this section shall be as set forth in section sixty-four of this article.

4. Nothing in this article shall be construed to abrogate or alter the common law right of every person, whether married or single, to retain his or her name or to assume a new one so long as the new name is used consistently and without intent to defraud.

5. Notwithstanding any inconsistent provision of law, the state shall not impose any fee, charge, surcharge or assessment solely to change the surname or middle name contained on a license, permit, registration or other identifying document for a person who, because of a change in marital status, has assumed a new name or reassumes use of a former surname as provided for in this section.

ARTICLE 6-A

CHANGE OF SEX DESIGNATION

Section 67. Petition for change of sex designation.

67-a. Order.

67-b. Sealing change of sex designation papers.

§ 67. Petition for change of sex designation. 1. A petition for leave to change sex designation may be made by a resident of the state to the county court of the county or the supreme court in the county in which

such resident resides, or, if such resident resides in the city of New York, either to the supreme court or to any branch of the civil court of the city of New York, in any county of the city of New York. The petition to change the sex designation of an infant may be made by the infant through either of such infant's parents, or by such infant's general guardian or by the guardian of such infant's person.

2. When an individual petitions the court to recognize their gender identity or to amend the sex designation on an identity document, the court shall issue such an order upon receipt of an affidavit from such individual attesting to their gender identity or reason for the change. No additional medical evidence shall be required to grant such request. No such order shall be required to amend an identity document issued within New York state. No such order shall be required to otherwise recognize the gender of an individual and treat them consistent with their gender identity within New York state or under New York state law. No fee shall be charged for a request for judicial intervention associated with a petition to change sex designation.

3. Such request may be made simultaneously with a petition for change of name pursuant to section sixty or sixty-five of this chapter or on its own.

§ 67-a. Order. If the court to which the petition is presented is satisfied thereby, or by the affidavit and certificate presented therewith, that the petition is true, and that there is no reasonable objection to the change of sex designation proposed, and if the petition is to change the sex designation of an infant, that the interests of the infant will be substantially promoted by the change, the court shall make an order authorizing the petitioner to assume the sex designation proposed.

§ 67-b. Sealing change of sex designation papers. 1. Upon request of the applicant or sua sponte, the court shall order the records of such change of sex designation proceeding to be sealed, to be opened only by

order of the court for good cause shown or at the request of the applicant.

2. Notwithstanding any other provision of law, pending such a finding in subdivision one of this section where an applicant seeks relief under this section, the court shall immediately order the applicant's current name, sex designation, proposed new sex designation, residential and business addresses, telephone numbers, and any other information contained in any pleadings or papers submitted to the court to be safeguarded and sealed in order to prevent their inadvertent or unauthorized use or disclosure while the matter is pending.

ARTICLE 7

MISCELLANEOUS RIGHTS AND IMMUNITIES

- Section 70. Vexatious suits.
- 70-a. Actions involving public petition and participation; recovery of damages.
 - 70-b. Unlawful interference with protected rights.
 - 71. Damages in action for suing in name of another.
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 - 74. Privileges in action for libel.
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 - 76-a. Actions involving public petition and participation; when actual malice to be proven.
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- county clerks.
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 - 79-m. Criminal interference with health care services, religious worship, funeral, burial or memorial service; injunction.
 - 79-n. Bias-related violence or intimidation; civil remedy.
 - 79-n*2. Funeral or bereavement leave.
 - 79-o. Closed captioning in places of public accommodation, resort or amusement.
 - 79-p. Recording certain activities.
 - 79-p*2. Gender neutral single-occupancy bathroom facilities.
 - 79-q. Collection of gender or sex designation information by state agencies.

§ 70. Vexatious suits. If a person vexatiously or maliciously, in the name of another but without the latter's consent, or in the name of an unknown person, commences or continues, or causes to be commenced or continued, an action or special proceeding, in a court, of record or not of record, or a special proceeding before a judge or a justice of the peace; or takes, or causes to be taken, any proceeding, in the course of an action or special proceeding in such a court, or before such an officer, either before or after judgment or other final determination; an action to recover damages therefor may be maintained against him by the adverse party to the action or special proceeding; and a like action may be maintained by the person, if any, whose name was thus used. He is also guilty of a misdemeanor, punishable by imprisonment not exceeding six months.

§ 70-a. Actions involving public petition and participation; recovery of damages. 1. A defendant in an action involving public petition and participation, as defined in paragraph (a) of subdivision one of section seventy-six-a of this article, may maintain an action, claim, cross claim or counterclaim to recover damages, including costs and attorney's fees, from any person who commenced or continued such action; provided that:

(a) costs and attorney's fees shall be recovered upon a demonstration, including an adjudication pursuant to subdivision (g) of rule thirty-two hundred eleven or subdivision (h) of rule thirty-two hundred twelve of the civil practice law and rules, that the action involving public petition and participation was commenced or continued without a substantial basis in fact and law and could not be supported by a substantial argument for the extension, modification or reversal of existing law;

(b) other compensatory damages may only be recovered upon an additional demonstration that the action involving public petition and participation was commenced or continued for the purpose of harassing, intimidating, punishing or otherwise maliciously inhibiting the free exercise of speech, petition or association rights; and

(c) punitive damages may only be recovered upon an additional demonstration that the action involving public petition and participation was commenced or continued for the sole purpose of harassing, intimidating, punishing or otherwise maliciously inhibiting the free exercise of speech, petition or association rights.

2. The right to bring an action under this section can be waived only if it is waived specifically.

3. Nothing in this section shall affect or preclude the right of any party to any recovery otherwise authorized by common law, or by statute, law or rule.

§ 70-b. Unlawful interference with protected rights. 1. For the purposes of this section, the term "legally protected health activity"

shall have the same meaning as defined by section 570.17 of the criminal procedure law.

2. A claim of unlawful interference with protected rights is established under this section. Such claim shall arise when a person demonstrates that they engaged in legally protected health activity that results in litigation or criminal charges brought against that person in any court in the United States or its territories.

3. Such claim shall arise when any person or entity commences an action in any court, in the United States or any of its territories, in which the allegations against the person, whether civil or criminal, involve legally protected health activity.

4. In a claim for unlawful interference with protected rights under this section:

(a) compensatory damages, as well as costs and attorneys' fees, including expert witness fees, shall be recoverable upon a demonstration of unlawful interference; and

(b) additional damages of up to three times the amount of compensatory damages shall be recoverable upon an additional demonstration that the action against the plaintiff was commenced or continued for the purpose of harassing, intimidating, punishing or otherwise maliciously inhibiting the exercise of rights protected in New York, including but not limited to legally protected health activity.

5. Any action or proceeding brought pursuant to this section shall be commenced no later than six years after the date on which the claim under this section arises.

6. Nothing in this section shall affect or preclude the right of any party to any recovery otherwise authorized by common law, or by statute, law or rule.

7. An action under this section shall be brought in the Supreme Court of the state of New York.

§ 71. Damages in action for suing in name of another. In an action, brought by the adverse party, as prescribed in the last section, the plaintiff, if he recovers final judgment, is entitled to recover treble damages. In an action, brought by the person whose name was used, as prescribed in the last section, the plaintiff is entitled to recover his actual damages, and two hundred and fifty dollars in addition thereto.

§ 72. Term of imprisonment of civil prisoner. No person shall be imprisoned within the prison walls of any jail for a longer period than three months under an execution or any other mandate against the person to enforce the recovery of a sum of money less than five hundred dollars in amount or under a commitment upon a fine for contempt of court in the nonpayment of alimony, maintenance, distributive awards or special relief in matrimonial actions or counsel fees in a divorce case where the amount so to be paid is less than the sum of five hundred dollars; and where the amount in either of said cases is five hundred dollars or over, such imprisonment shall not continue for a longer period than six months. It shall be the duty of the sheriff in whose custody any such person is held to discharge such person at the expiration of said respective periods without any formal application being made therefor. No person shall be imprisoned within the jail liberties of any jail for a longer period than six months upon any execution or other mandate against the person to enforce the recovery of a sum of five hundred dollars or over or for a longer period than three months where the amount is less than five hundred dollars, and no action shall be commenced against the sheriff upon a bond given for the jail liberties by such person. In computing the term of imprisonment time spent within the prison walls of any jail and time spent within the jail liberties shall be included. Notwithstanding such a discharge in either of the above cases, the judgment creditor in the execution, or the person at whose instance the said mandate was issued, has the same remedy against the property of the person imprisoned which he or she had before such execution or mandate was issued; but the prisoner shall not be again imprisoned upon a like process issued in the same action or arrested in any action upon any judgment under which the same may have been granted.

Except in a case hereinbefore specified nothing in this section shall affect a commitment for contempt of court.

§ 73. Code of fair procedure for investigating agencies. 1. As used in this section the following terms shall mean and include:

(a) "Agency". A standing or select committee of either house of the legislature or a joint committee of both houses; a duly authorized subcommittee of any such legislative committee; the commissioner of investigation acting pursuant to section eleven of the executive law; a commissioner appointed by the governor acting pursuant to section six of the executive law; the attorney general acting pursuant to subdivision eight of section sixty-three of the executive law; any temporary state commission or any duly authorized subcommittee thereof which has the power to require testimony or the production of evidence by subpoena or other compulsory process in an investigation being conducted by it; and any standing or select committee, or subcommittee thereof, of the constitutional convention to be held in the year nineteen hundred sixty-seven.

(b) "Hearing". Any hearing in the course of an investigatory proceeding (other than a preliminary conference or interview at which no testimony is taken under oath) conducted before an agency at which testimony or the production of other evidence may be compelled by subpoena or other compulsory process.

(c) "Public hearing". Any hearing open to the public, or any hearing, or such part thereof, as to which testimony or other evidence is made available or disseminated to the public by the agency.

(d) "Private hearing". Any hearing other than a public hearing.

2. No person may be required to appear at a hearing or to testify at a hearing unless there has been personally served upon him prior to the time when he is required to appear, a copy of this section, and a general statement of the subject of the investigation. A copy of the resolution, statute, order or other provision of law authorizing the investigation shall be furnished by the agency upon request therefor by the person summoned.

3. A witness summoned to a hearing shall have the right to be accompanied by counsel, who shall be permitted to advise the witness of his rights, subject to reasonable limitations to prevent obstruction of or interference with the orderly conduct of the hearing. Counsel for any witness who testifies at a public hearing may submit proposed questions to be asked of the witness relevant to the matters upon which the witness has been questioned and the agency shall ask the witness such of the questions as it may deem appropriate to its inquiry.

4. A complete and accurate record shall be kept of each public hearing and a witness shall be entitled to receive a copy of his testimony at such hearing at his own expense. Where testimony which a witness has given at a private hearing becomes relevant in a criminal proceeding in which the witness is a defendant, or in any subsequent hearing in which the witness is summoned to testify, the witness shall be entitled to a copy of such testimony, at his own expense, provided the same is available, and provided further that the furnishing of such copy will not prejudice the public safety or security.

5. A witness who testifies at any hearing shall have the right at the conclusion of his examination to file a brief sworn statement relevant to his testimony for incorporation in the record of the investigatory proceeding.

6. Any person whose name is mentioned or who is specifically identified and who believes that testimony or other evidence given at a public hearing or comment made by any member of the agency or its counsel at such a hearing tends to defame him or otherwise adversely affect his reputation shall have the right, either to appear personally before the agency and testify in his own behalf as to matters relevant to the testimony or other evidence complained of, or in the alternative at the option of the agency, to file a statement of facts under oath relating solely to matters relevant to the testimony or other evidence complained of, which statement shall be incorporated in the record of the investigatory proceeding.

7. Nothing herein contained shall be construed to prevent an agency

from granting to witnesses appearing before it, or to persons who claim to be adversely affected by testimony or other evidence adduced before it, such further rights and privileges as it may determine.

8. Except in the course of a subsequent hearing which is open to the public, no testimony or other evidence adduced at a private hearing or preliminary conference or interview conducted before a single-member agency in the course of its investigation shall be disseminated or made available to the public by said agency, its counsel or employees without the approval of the head of the agency. Except in the course of a subsequent hearing open to the public, no testimony or other evidence adduced at a private hearing or preliminary conference or interview before a committee or other multi-member investigating agency shall be disseminated or made available to the public by any member of the agency, its counsel or employees, except with the approval of a majority of the members of such agency. Any person who violates the provisions of this subdivision shall be guilty of a misdemeanor.

9. No temporary state commission having more than two members shall have the power to take testimony at a public or private hearing unless at least two of its members are present at such hearing.

10. Nothing herein contained shall be construed to effect, diminish or impair the right, under any other provision of law, rule or custom, of any member or group of members of a committee or other multi-member investigating agency to file a statement or statements of minority views to accompany and be released with or subsequent to the report of the committee or agency.

§ 74. Privileges in action for libel. A civil action cannot be maintained against any person, firm or corporation, for the publication of a fair and true report of any judicial proceeding, legislative proceeding or other official proceeding, or for any heading of the report which is a fair and true headnote of the statement published.

This section does not apply to a libel contained in any other matter

added by any person concerned in the publication; or in the report of anything said or done at the time and place of such a proceeding which was not a part thereof.

§ 75. Defamation by radio or television. 1. The owner, licensee or operator of a visual or sound radio broadcasting station or network of stations, and the agents or employees of any such owner, licensee or operator, shall not be liable for any damages for any defamatory statement published or uttered in or as a part of a visual or sound radio broadcast, by any legally qualified candidate for public office whose utterances, under rules and regulations of the federal communications commission may not be subject to censorship by such owner, licensee or operator of such visual or sound radio broadcasting station or network of stations, or their agents or employees.

2. A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, state or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors and who (a) has qualified for a place on the ballot or (b) is eligible under the applicable law to be voted by writing in his name on the ballot, or other method, and who has been nominated by a political party which is commonly known and regarded as such or makes a substantial showing that he is a bona fide candidate for nomination or office, as the case may be.

3. In order to be absolved from liability for damages for any utterance by a legally qualified candidate as herein defined in or as part of a visual or sound radio broadcast, the owner, licensee or operator of such visual or sound radio broadcasting station or network of stations, or the agents or employees thereof, shall announce, in substance, at the beginning and end of each such political broadcast of more than five minutes duration, and at the beginning of each such

political broadcast of five minutes duration or less, that the remarks about to be made, or made, as the case may be, by the speaker are not to be construed as reflecting the opinions or beliefs of the station, its ownership or management.

§ 76. Action for libel: evidence, separate verdicts. At the trial of any civil action for libel, the defendant may prove, for consideration by the jury in fixing the amount of the verdict, that the plaintiff has already recovered damages, or has received, or agreed to receive, compensation in respect of a libel or libels of a similar purport or effect as the libel for which such action has been brought. In consolidated actions based on libels of similar purport or effect the jury shall assess the whole amount of the plaintiff's damages in one sum, but a separate verdict shall be taken for or against each defendant and the jury shall apportion the amount of damages among the defendants against whom it found a verdict.

§ 76-a. Actions involving public petition and participation; when actual malice to be proven. 1. For purposes of this section:

(a) An "action involving public petition and participation" is a claim based upon:

(1) any communication in a place open to the public or a public forum in connection with an issue of public interest; or

(2) any other lawful conduct in furtherance of the exercise of the constitutional right of free speech in connection with an issue of public interest, or in furtherance of the exercise of the constitutional right of petition.

(b) "Claim" includes any lawsuit, cause of action, cross-claim, counterclaim, or other judicial pleading or filing requesting relief.

(c) "Communication" shall mean any statement, claim, allegation in a proceeding, decision, protest, writing, argument, contention or other expression.

(d) "Public interest" shall be construed broadly, and shall mean any subject other than a purely private matter.

2. In an action involving public petition and participation, damages may only be recovered if the plaintiff, in addition to all other necessary elements, shall have established by clear and convincing evidence that any communication which gives rise to the action was made with knowledge of its falsity or with reckless disregard of whether it was false, where the truth or falsity of such communication is material to the cause of action at issue.

3. Nothing in this section shall be construed to limit any constitutional, statutory or common law protections of defendants to actions involving public petition and participation.

§ 77. Special damages in action for slander of a woman. In an action of slander of a woman imputing unchastity to her, it is not necessary to allege or prove special damages.

§ 78. Mitigating circumstances in action for libel or slander. In an action for libel or slander the defendant may prove mitigating circumstances, including the sources of his information and the grounds for his belief, whether or not he has pleaded or attempted to prove any defense. A defendant in default for want of an answer may prove such mitigating circumstances upon a reference or inquiry to ascertain the amount of the plaintiff's damages. Matter tending only to mitigate or reduce damages is a partial defense and may be set forth in the answer.

§ 79. Forfeiture of office and suspension of civil rights. 1. Except as provided in subdivision two a sentence of imprisonment in a state correctional institution for any term less than for life or a sentence of imprisonment in a state correctional institution for an indeterminate term, having a minimum of one day and a maximum of natural life, forfeits all the public offices, and suspends, during the term of the sentence, all the civil rights, and all private trusts, authority, or powers of, or held by, the person sentenced.

2. A sentence of imprisonment in a state correctional institution for any term less than for life or a sentence of imprisonment in a state correctional institution for an indeterminate term, having a minimum of one day and a maximum of natural life shall not be deemed to suspend the right or capacity of any person so sentenced to commence and prosecute an action or proceeding in any court within this state or before a body or officer exercising judicial, quasi-judicial or administrative functions within this state; provided, however, that where at the time of the commencement and during the prosecution of such action or proceeding such person is an incarcerated individual of a state correctional institution, he or she shall not appear at any place other than within the institution for any purpose related to such action or proceeding unless upon a subpoena issued by the court before whom such action or proceeding is pending or, where such action or proceeding is pending before a body or officer, before a judge to whom a petition for habeas corpus could be made under subdivision (b) of section seven thousand two of the civil practice law and rules upon motion of any party and upon a determination that such person's appearance is essential to the proper and just disposition of the action or proceeding. Unless the court orders otherwise, a motion for such subpoena shall be made on at least two days' notice to the commissioner of corrections and community supervision.

3. (a) Except as provided in paragraph (b) of this subdivision, the state shall not be liable for any expense of or related to any such action or proceeding, including but not limited to the expense of or related to transporting the incarcerated individual to, or lodging or guarding him or her at any place other than in a state correctional institution. The department of corrections and community supervision shall not be required to perform any services related to such action or proceeding, including but not limited to transporting the incarcerated individual to or lodging or guarding him at any place other than a state correctional institution unless and until the department has received payment for such services.

(b) Where the incarcerated individual is permitted in accordance with any other law to proceed with the action or proceeding as a poor person the expense of transporting the incarcerated individual to, or lodging

or guarding him or her at any place other than in a state correctional institution or any other expense relating thereto shall be a state charge; provided, however, that where an incarcerated individual has been granted such permission and a recovery by judgment or by settlement is had in his or her favor, the court may direct him or her to pay out of the recovery all or part of any sum expended by the state.

§ 79-a. Consequence of sentence to imprisonment for life. 1. Except as provided in subdivisions two and three, a person sentenced to imprisonment for life is thereafter deemed civilly dead; provided, that such a person may marry while on community supervision, or after he or she has been discharged from community supervision, if otherwise capable of contracting a valid marriage. A marriage contracted pursuant to this section by a person while he or she is on community supervision, without prior written approval of the commissioner of corrections and community supervision, shall be ground for revocation of the community supervision. This section shall not be deemed to impair the validity of a marriage between a person sentenced to imprisonment for life and his or her spouse.

2. A sentence to imprisonment for life shall not be deemed to suspend the right or capacity of any person so sentenced to commence, prosecute or defend an action or proceeding in any court within this state or before a body or officer exercising judicial, quasi-judicial or administrative functions within this state; provided, however, that where at the time of the commencement and during the prosecution or defense of such action or proceeding such person is an incarcerated individual of a state correctional institution, he or she shall not appear at any place other than within the institution for any purpose related to such action or proceeding unless upon a subpoena issued by the court before whom such action or proceeding is pending or, where such action or proceeding is pending before a body or officer, before a judge to whom a petition for habeas corpus could be made under subdivision (b) of section seven thousand two of the civil practice law and rules upon motion of any party and upon a determination that such person's appearance is essential to the proper and just disposition of

the action or proceeding. Unless the court orders otherwise, a motion for such subpoena shall be made on at least two days' notice to the commissioner of corrections and community supervision.

3. (a) Except as provided in paragraph (b) of this subdivision, the state shall not be liable for any expense of or related to any such action or proceeding, including but not limited to the expense of or related to transporting the incarcerated individual to, or lodging or guarding him or her at any place other than in a state correctional institution. The department of corrections and community supervision shall not be required to perform any services related to such action or proceeding, including but not limited to transporting the incarcerated individual to or lodging or guarding him or her at any place other than a state correctional institution unless and until the department has received payment for such services.

(b) Where the incarcerated individual is permitted in accordance with any other law to proceed with the action or proceeding as a poor person the expense of transporting the incarcerated individual to, or lodging or guarding him or her at any place other than in a state correctional institution or any other expense relating thereto shall be a state charge; provided, however, that where an incarcerated individual has been granted such permission and a recovery by judgment or by settlement is had in his or her favor, the court may direct him or her to pay out of the recovery all or part of any sum expended by the state.

4. This section shall not apply to a person sentenced to imprisonment for an indeterminate term, having a minimum of one day and a maximum of his natural life.

Nothing in this section shall be deemed to preclude the issuance of a certificate of relief from disabilities or a certificate of good conduct pursuant to article twenty-three of the correction law to a person who previously has been sentenced to imprisonment for life.

§ 79-b. Forfeiture of property on conviction abolished. A conviction of a person for any crime, does not work a forfeiture of any property,

real or personal, or any right or interest therein. All forfeitures to the people of the state, in the nature of deodands, or in a case of suicide, or where a person flees from justice, are abolished.

§ 79-c. Convict protected by law. A convict sentenced to imprisonment is under the protection of the law, and any injury to his person, not authorized by law, is punishable in the same manner as if he were not sentenced or convicted.

Nothing in sections seventy-nine or seventy-nine-a of this chapter shall be deemed to deny a convict sentenced to imprisonment the right to injunctive relief for improper treatment where such treatment constitutes a violation of his constitutional rights.

§ 79-d. Creditor of convict. A person injured by the commission of a felony, for which the offender is sentenced to imprisonment in a state prison, is deemed the creditor of the offender, and of his estate after his death, within the provisions of the statutes relating thereto.

The damages sustained by the person injured by the felonious act, may be ascertained in an action brought for that purpose by him against the trustees of the estate of the offender, appointed under the provisions of the statutes, or the executor or administrator of the offender's estate.

§ 79-e. Right to breast feed. Notwithstanding any other provision of law, a mother may breast feed her baby in any location, public or private, where the mother is otherwise authorized to be, irrespective of whether or not the nipple of the mother's breast is covered during or incidental to the breast feeding.

§ 79-f. Liability for acts of persons assisting police officers. 1. Notwithstanding any inconsistent provisions of law, general or special

or local, the state shall save harmless and protect any person who, upon being lawfully commanded, renders assistance to a police officer employed by the state in the performance of his duties, from any financial loss arising out of any claim, demand, suit or judgment by reason of alleged negligence, other than gross negligence, or an alleged tortious act of the person rendering such assistance which results in bodily injury or property damage; any political subdivision of the state shall save harmless and protect any person who, upon being lawfully commanded, renders assistance to a police officer of such political subdivision in the performance of his duties, from any financial loss arising out of any claim, demand, suit or judgment by reason of alleged negligence, other than gross negligence, or an alleged tortious act of the person rendering such assistance which results in bodily injury or property damage; any agency of the state shall save harmless and protect any person who, upon being lawfully commanded, renders assistance to a police officer of such agency in the performance of his duties, from any financial loss arising out of any claim, demand, suit or judgment by reason of alleged negligence, other than gross negligence, or an alleged tortious act of the person rendering such assistance which results in bodily injury or property damage.

2. The state or an agency or political subdivision thereof shall not be subject to the duty imposed by this section, unless the person who rendered assistance shall, within ten days of the time he is served with any summons, complaint, process, notice, demand or pleading, deliver the original or a copy thereof to the chief legal officer of the state or agency or political subdivision thereof, as the case may be.

3. Thereafter, the state, agency or political subdivision, as the case may be, shall be entitled to appear in any further proceedings arising under this section.

4. As used in this section the term police officer means any member of a duly organized police force or department of any county, city, town, village, municipality, authority, police district, regional state park commission when employed full time in the enforcement of the general criminal laws of the state, or any member of the state police or a

sheriff, undersheriff or deputy sheriff, other than a special deputy sheriff.

§ 79-g. Filing of certificates of honorable discharge with county clerks. a. Notwithstanding the provisions of any general, special or local law to the contrary, any person filing a certificate of honorable discharge in the office of a county clerk shall have the right to direct the county clerk to keep such certificate sealed.

b. Thereafter, such certificate shall be made available to the veteran, a duly authorized agent or representative of such veteran or the representative of the estate of a deceased veteran but shall not be available for public inspection.

§ 79-h. Special provisions relating to persons employed by, or connected with, news media.

(a) Definitions. As used in this section, the following definitions shall apply:

(1) "Newspaper" shall mean a paper that is printed and distributed ordinarily not less frequently than once a week, and has done so for at least one year, and that contains news, articles of opinion (as editorials), features, advertising, or other matter regarded as of current interest, has a paid circulation and has been entered at United States post-office as second-class matter.

(2) "Magazine" shall mean a publication containing news which is published and distributed periodically, and has done so for at least one year, has a paid circulation and has been entered at a United States post-office as second-class matter.

(3) "News agency" shall mean a commercial organization that collects and supplies news to subscribing newspapers, magazines, periodicals and news broadcasters.

(4) "Press association" shall mean an association of newspapers and/or magazines formed to gather and distribute news to its members.

(5) "Wire service" shall mean a news agency that sends out syndicated news copy by wire to subscribing newspapers, magazines, periodicals or

news broadcasters.

(6) "Professional journalist" shall mean one who, for gain or livelihood, is engaged in gathering, preparing, collecting, writing, editing, filming, taping or photographing of news intended for a newspaper, magazine, news agency, press association or wire service or other professional medium or agency which has as one of its regular functions the processing and researching of news intended for dissemination to the public; such person shall be someone performing said function either as a regular employee or as one otherwise professionally affiliated for gain or livelihood with such medium of communication.

(7) "Newscaster" shall mean a person who, for gain or livelihood, is engaged in analyzing, commenting on or broadcasting, news by radio or television transmission.

(8) "News" shall mean written, oral, pictorial, photographic, or electronically recorded information or communication concerning local, national or worldwide events or other matters of public concern or public interest or affecting the public welfare.

(b) Exemption of professional journalists and newscasters from contempt: Absolute protection for confidential news. Notwithstanding the provisions of any general or specific law to the contrary, no professional journalist or newscaster presently or having previously been employed or otherwise associated with any newspaper, magazine, news agency, press association, wire service, radio or television transmission station or network or other professional medium of communicating news or information to the public shall be adjudged in contempt by any court in connection with any civil or criminal proceeding, or by the legislature or other body having contempt powers, nor shall a grand jury seek to have a journalist or newscaster held in contempt by any court, legislature or other body having contempt powers for refusing or failing to disclose any news obtained or received in confidence or the identity of the source of any such news coming into such person's possession in the course of gathering or obtaining news for publication or to be published in a newspaper, magazine, or for broadcast by a radio or television transmission station or network or for public dissemination by any other professional medium or agency which has as one of its main functions the dissemination of news to the

public, by which such person is professionally employed or otherwise associated in a news gathering capacity notwithstanding that the material or identity of a source of such material or related material gathered by a person described above performing a function described above is or is not highly relevant to a particular inquiry of government and notwithstanding that the information was not solicited by the journalist or newscaster prior to disclosure to such person.

(c) Exemption of professional journalists and newscasters from contempt: Qualified protection for nonconfidential news.

Notwithstanding the provisions of any general or specific law to the contrary, no professional journalist or newscaster presently or having previously been employed or otherwise associated with any newspaper, magazine, news agency, press association, wire service, radio or television transmission station or network or other professional medium of communicating news to the public shall be adjudged in contempt by any court in connection with any civil or criminal proceeding, or by the legislature or other body having contempt powers, nor shall a grand jury seek to have a journalist or newscaster held in contempt by any court, legislature, or other body having contempt powers for refusing or failing to disclose any unpublished news obtained or prepared by a journalist or newscaster in the course of gathering or obtaining news as provided in subdivision (b) of this section, or the source of any such news, where such news was not obtained or received in confidence, unless the party seeking such news has made a clear and specific showing that the news: (i) is highly material and relevant; (ii) is critical or necessary to the maintenance of a party's claim, defense or proof of an issue material thereto; and (iii) is not obtainable from any alternative source. A court shall order disclosure only of such portion, or portions, of the news sought as to which the above-described showing has been made and shall support such order with clear and specific findings made after a hearing. The provisions of this subdivision shall not affect the availability, under appropriate circumstances, of sanctions under section thirty-one hundred twenty-six of the civil practice law and rules.

(d) Any information obtained in violation of the provisions of this section shall be inadmissible in any action or proceeding or hearing before any agency.

(e) No fine or imprisonment may be imposed against a person for any refusal to disclose information privileged by the provisions of this section.

(f) The privilege contained within this section shall apply to supervisory or employer third person or organization having authority over the person described in this section.

(g) Notwithstanding the provisions of this section, a person entitled to claim the exemption provided under subdivision (b) or (c) of this section waives such exemption if such person voluntarily discloses or consents to disclosure of the specific information sought to be disclosed to any person not otherwise entitled to claim the exemptions provided by this section.

§ 79-i. Discrimination against person who refuses to perform certain act prohibited. 1. When the performing of an abortion on a human being or assisting thereat is contrary to the conscience or religious beliefs of any person, he may refuse to perform or assist in such abortion by filing a prior written refusal setting forth the reasons therefor with the appropriate and responsible hospital, person, firm, corporation or association, and no such hospital, person, firm, corporation or association shall discriminate against the person so refusing to act.

A violation of the provisions of this section shall constitute a misdemeanor.

2. No civil action for negligence or malpractice shall be maintained against a person so refusing to act based on such refusal.

§ 79-j. Confidentiality of records in multi-state information system. 1. An ongoing research and demonstration project called the multi-state information system for psychiatric patients located at Rockland state hospital in Rockland county has been developed by a number of cooperating states and is designed to provide a computer-based system for records and statistics of mental health patients in those states. The records stored by the multi-state information system are intended

also for research and demonstration purposes concerning (1) the feasibility of computer-based record systems improving the quality of medical information available to clinicians treating psychiatric patients and (2) the quality of aggregate statistics to aid in planning, operating and monitoring psychiatric services. Such records are not intended to substitute for or replace original records retained in the cooperating mental health facilities and agencies. In order to protect the privacy of the information stored in such records which relates to patients in facilities outside of the state of New York, it is necessary and desirable that such records be declared confidential and not subject to examination in the courts or by agencies of this state.

2. The records and information concerning patients in mental health and related facilities located outside of the state of New York and currently or hereafter stored in the multi-state information system for psychiatric patients maintained at Rockland state hospital in the county of Rockland are not public records. Such records and information shall be confidential and shall not be subject to subpoena in any court or before any tribunal or administrative agency. Such records and information shall not be open for inspection by nor otherwise available to any agency or individual other than the agency or facility submitting the records or information and the technical staff of the multi-state information system except that the commissioner of mental hygiene shall have the power to conduct an annual review of the operation of the information system in order to assure its proper and lawful operation in the interest of the agencies and facilities contributing records and information to such system. Aggregate statistics drawn from the records stored, with all personal identification removed, may be released by the system for research and planning purposes.

3. Nothing in this act shall affect existing law with respect to the records of patients now or formerly treated in facilities in this state. The records stored in the multi-state information system described in subdivision two shall not be considered records of the department of mental hygiene.

§ 79-k. Civil immunity for certain persons assisting in emergency situations. 1. Any person who voluntarily and without the expectation of monetary compensation provides assistance in the event of an accident or other emergency situation involving the use, handling, transportation, transmission or storage of compressed gases and/or liquefied petroleum gases shall not be liable for any civil damages for injuries resulting from any act of commission or omission on his part in the course of his rendering such assistance unless it is established that such injuries were caused by gross negligence on the part of such person.

2. Nothing in this section shall be deemed to relieve any person from liability for civil damages (a) where the accident or emergency referred to in subdivision one of this section involved his own facilities or equipment or (b) resulting from any act of commission or omission on his part in the course of providing care or assistance in the normal and ordinary course of his own business or profession.

3. For purposes of this section, the term "gross negligence" means reckless, willful, wanton or intentional misconduct.

§ 79-1. Confidentiality of records of genetic tests. 1. As used in this section, the following terms shall have the following meanings:

(a) "genetic test" shall mean any laboratory test of human DNA, chromosomes, genes, or gene products to diagnose the presence of a genetic variation linked to a predisposition to a genetic disease or disability in the individual or the individual's offspring; such term shall also include DNA profile analysis. "Genetic test" shall not be deemed to include any test of blood or other medically prescribed test in routine use that has been or may be hereafter found to be associated with a genetic variation, unless conducted purposely to identify such genetic variation.

(b) "genetic predisposition" shall mean the presence of a variation in the composition of the genes of an individual or an individual's family member which is scientifically or medically identifiable and which is determined to be associated with an increased statistical risk of being expressed as either a physical or mental disease or disability in the

individual or having offspring with a genetically influenced disease, but which has not resulted in any symptoms of such disease or disorder.

(c) "biological sample" shall mean any material part of the human body or of discharge therefrom known to contain DNA, including but not limited to tissue specimen, blood, or urine.

(d) "institutional review board" shall mean a human research review committee established and approved under the provisions of article twenty-four-A of the public health law, or an institutional review board established and approved under the provisions of 45 CFR part 46 or 42 USC 30 V-1, for the purpose of reviewing and monitoring research involving human subjects.

2. (a) No person shall perform a genetic test on a biological sample taken from an individual without the prior written informed consent of such individual as provided in paragraph (b) of this subdivision, except as otherwise provided in paragraph (c) of subdivision two and by subdivision nine of this section.

(b) Written informed consent to a genetic test shall consist of written authorization that is dated and signed and includes at least the following:

- (1) a general description of the test;
- (2) a statement of the purpose of the test;

2-a. a statement indicating that the individual may wish to obtain professional genetic counseling prior to signing the informed consent.

(3) a statement that a positive test result is an indication that the individual may be predisposed to or have the specific disease or condition tested for and may wish to consider further independent testing, consult their physician or pursue genetic counseling;

(4) a general description of each specific disease or condition tested for;

(5) the level of certainty that a positive test result for that disease or condition serves as a predictor of such disease. If no level of certainty has been established, this subparagraph may be disregarded;

(6) the name of the person or categories of persons or organizations to whom the test results may be disclosed;

(7) a statement that no tests other than those authorized shall be

performed on the biological sample and that the sample shall be destroyed at the end of the testing process or not more than sixty days after the sample was taken, unless a longer period of retention is expressly authorized in the consent; and

(8) the signature of the individual subject of the test or, if that individual lacks the capacity to consent, the signature of the person authorized to consent for such individual.

(c) A general waiver, wherein consent is secured for genetic testing without compliance with paragraph (b) of this subdivision, shall not constitute informed consent. Notwithstanding the provisions of this section, for purposes of research conducted in accordance with the provisions of subdivision nine of this section, a general waiver for the use of samples for research may be granted which would authorize the use of samples for these research purposes.

(d) Any further disclosure of genetic test results to persons or organizations not named on the informed consent shall require the further informed consent of the subject of the test.

(e) Written consent by an individual for tests to be conducted on a biological sample and to the lawful possession and ownership of such sample by a laboratory shall not be deemed written informed consent for the performance of any genetic test on that sample, except as further provided in subdivision four of this section.

(f) For medical research purposes, with the approval of an institutional review board and the written informed consent of the subject, samples may be kept for longer than sixty days and utilized for scientific research. The requirements of subparagraphs three, four and five of paragraph (b) of this subdivision may be modified by the institutional review board in case the research protocol does not permit such degree of specificity.

3. (a) All records, findings and results of any genetic test performed on any person shall be deemed confidential and shall not be disclosed without the written informed consent of the person to whom such genetic test relates. This information shall not be released to any person or organization not specifically authorized by the individual subject of the test. Unauthorized solicitation or possession of such information shall be unlawful, except for the unintentional possession of such

information as part of a health record created prior to the effective date of this section and provided no action adverse to the interests of the subject are taken as a result of such possession. Nothing in this section shall preclude the release of such information, with the subject's consent, to a health insurer or health maintenance organization of any information reasonably required for purposes of claims administration, provided, however, that further distribution within the insurer or to other recipients shall require the subject's informed consent in each case.

(b) No person who lawfully possesses information derived from a genetic test on a biological sample from an individual shall incorporate such information into the records of a non-consenting individual who may be genetically related to the tested individual; nor shall any inferences be drawn, used, or communicated regarding the possible genetic status of the non-consenting individual.

4. (a) Notwithstanding the provisions of subdivision two of this section, genetic tests may be performed on anonymous samples for research or statistical purposes, pursuant to a research protocol approved by an institutional review board which assures the anonymity of the sources of the samples.

(b) Notwithstanding the provisions of subdivision two of this section, genetic tests may be performed without the consent of the person who is the subject of the tests pursuant to an order of a court of competent jurisdiction or as provided pursuant to article forty-nine-B of the executive law or as provided by section twenty-five hundred-a of the public health law.

(c) Notwithstanding the provisions of paragraph (a) of subdivision three of this section, the results of a genetic test may be disclosed to specified individuals without the consent of the subject of the test as provided in an order of a court of competent jurisdiction or as provided pursuant to article forty-nine-B of the executive law or section twenty-five hundred-a of the public health law.

(d) In authorizing a genetic test or the disclosure of genetic test results to specified individuals, the court shall consider the privacy interests of the individual subject of the genetic test and of close relatives of such individual, the public interest, and, in the case of

medical or anthropological research, the ethical appropriateness of the research. Disclosure shall be permitted only to individuals or agencies expressly named in court orders.

5. Penalties. (a) Any person who violates the provisions of subdivision two or three of this section shall be guilty of a violation punishable by a civil fine of not more than one thousand dollars.

(b) Any person who willfully violates the provisions of subdivision two or three of this section shall be guilty of a misdemeanor punishable by a fine of not more than five thousand dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment.

6. Nothing in this section shall be applicable to an authorized insurer, as defined in paragraph ten of subsection (a) of section one hundred seven of the insurance law, or a person acting on behalf of an authorized insurer who is in compliance with section twenty-six hundred twelve of the insurance law nor shall anything in this section be deemed to prohibit or limit an authorized insurer from obtaining information pursuant to section twenty-six hundred twelve of the insurance law.

7. Notwithstanding the provisions of subdivision two of this section, genetic testing of newborn infants may be performed as provided pursuant to article twenty-five and section forty-one hundred thirty-five-b of the public health law.

8. Notwithstanding the provisions of subparagraph seven of paragraph (b) of subdivision two of this section, additional genetic testing may be performed on a given sample without additional consent of the person tested provided such testing is necessary and required to demonstrate the integrity of the sample tested or to resolve the analysis of a test with a previously indeterminate result.

9. (a) Notwithstanding the provisions of subdivisions two and ten of this section, samples may be used for tests other than those for which specific consent has been obtained, for purposes of research conducted in accordance with applicable law and regulation and pursuant to a research protocol approved by an institutional review board, provided

that the individuals who provided the samples have given prior written informed consent for the use of their sample for general research purposes and did not specify time limits or other factors that would restrict use of the sample for the test, and (1) the samples have been permanently stripped of identifying information; or (2) a coding system has been established to protect the identity of the individuals who provided the samples, and an institutional review board has reviewed and approved the procedures for the coding system.

(b) If consent to storage of the tissue sample is withdrawn at any time, the entity storing the sample shall promptly destroy the sample or portions thereof that have not already been used for research purposes.

(c) In no event shall family members of an individual who provided a stored tissue sample be contacted for clinical, research, or other purposes without consent from the individual who provided the tissue sample with respect to the specific family members who will be contacted and the specific purpose of the contact.

(d) In no event shall any information about an individual derived from genetic tests performed on stored human tissue or information linking an individual with specific results of genetic tests be released to any organization or person without the explicit written consent of the individual who donated the stored tissue to release of the information for the purposes set forth in the written consent document.

(e) Written informed consent for use of stored human tissue for general research purposes shall consist of written authorization that includes at least the following:

- (1) a statement that the sample will be used for future genetic tests;
- (2) the time period during which the tissue will be stored, or if no time limit is specified, a statement that the tissue will be stored for as long as deemed useful for research purposes;
- (3) a description of the policies and procedures to protect patient confidentiality;
- (4) a statement of the right to withdraw consent to use of the tissue for future use at any time and the name of the organization that should be contacted to withdraw consent;
- (5) a statement allowing individuals to consent to future contact for any or all purposes, including the following: (i) research purposes; (ii) provision of general information about research findings; and (iii)

information about the test on their sample that may benefit them or their family members in relation to their choices regarding preventive or clinical care; and

(6) a statement explaining the benefits and risks of consenting to future contact for the purposes set forth in subparagraph five of this paragraph. In no event shall information about specific test results on stored human tissue donated for general research purposes be disclosed to an individual without obtaining informed consent for the disclosure as required by paragraph (b) of subdivision two of this section.

10. Notwithstanding the provisions of subdivision two of this section, DNA samples may be stored for up to ten years in the absence of genetic testing, if authorized in writing by the subject. Prior to the performance of any genetic test upon stored samples, informed consent must be obtained as provided in subdivision two of this section. Retention of a DNA sample past a period of ten years requires explicit consent for a longer or indefinite period of retention.

11. Genetic testing may be performed on specimens from deceased persons if informed consent is provided by the next-of-kin as specified in subdivision two of this section.

§ 79-m. Criminal interference with health care services, religious worship, funeral, burial or memorial service; injunction. Whenever the attorney general or district attorney of the county where the affected health care facility, place of religious worship, or site of a funeral, burial or memorial service is located has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of section 240.21, 240.70 or 240.71 of the penal law, the attorney general or district attorney may bring an action in the name of the people of the state of New York to permanently enjoin such violation. In such action preliminary and temporary relief may be granted under article sixty-three of the civil practice law and rules.

*** § 79-n. Bias-related violence or intimidation; civil remedy.** 1. The following definitions are applicable to this section:

(a) The term "disability" means a physical or mental impairment that substantially limits a major life activity.

(b) The term "age" means sixty years of age or more.

(c) The term "sexual orientation" means a person's actual or perceived homosexuality, heterosexuality, or bisexuality.

(d) The term "gender" means a person's actual or perceived sex and shall include a person's gender identity or expression.

2. Any person who intentionally selects a person or property for harm or causes damage to the property of another or causes physical injury or death to another, or subjects a person to conduct that would constitute harassment under section 240.25 of the penal law, or summons a police officer or peace officer without reason to suspect a violation of the penal law, any other criminal conduct, or an imminent threat to a person or property, in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or any person who aids or incites any such conduct, shall be liable, in a civil action or proceeding maintained by such individual or group of individuals, for injunctive relief, damages, or any other appropriate relief in law or equity. If it shall appear to the satisfaction of the court or justice that the respondent has, in fact, violated this section, an injunction may be issued by such court or justice, enjoining and restraining any further violation, without requiring proof that any person has, in fact, been injured or damaged thereby. For the purposes of this subdivision, a person lacks reason to suspect a violation of the penal law, any other criminal conduct, or an imminent threat to a person or property where a reasonable person would not suspect such violation, conduct, or threat.

3. In addition to the remedies in subdivision two of this section, whenever there shall be a violation of this section by any person or by any firm, partnership, association, or corporation, an application may be made by the attorney general in the name of the people of the state

of New York to a court or justice having jurisdiction for an injunction to enjoin and restrain the continuance of such activity, and to seek damages, or any other appropriate relief in law or equity. In connection with any such application, the attorney general is authorized to take proof and determine the relevant facts and to issue subpoenas in accordance with the civil practice law and rules.

4. In any such action or proceeding, the court, in its discretion, may allow the party commencing such action or proceeding, if such party prevails, reasonable attorneys' fees as part of the costs.

5. In addition to the remedies provided in subdivisions two and three of this section, a court may additionally impose a civil penalty of not more than five thousand dollars for each violation of this section.

* NB There are 2 § 79-n's

*** § 79-n. Funeral or bereavement leave.** No employer who extends to its employees funeral or bereavement leave for the death of an employee's spouse or the child, parent or other relative of the spouse shall deny the same leave to an employee for the death of the employee's same-sex committed partner or the child, parent or other relative of the committed partner. For the purposes of this section, same-sex committed partners are those who are financially and emotionally interdependent in a manner commonly presumed of spouses.

* NB There are 2 § 79-n's

§ 79-o. Closed captioning in places of public accommodation, resort or amusement. 1. A place of public accommodation, resort or amusement, as defined in subdivision nine of section two hundred ninety-two of the executive law, shall upon request be required to have closed captioning enabled on all televisions that are located in the public area of such establishment during regular hours of business. The regular hours of business of the place of public accommodation, resort or amusement shall be the hours of operation as posted in such establishment.

2. The provisions of this section shall not apply if:

(a) no televisions in the public area of the place of public accommodation, resort or amusement are capable of providing closed captioning; or

(b) in the event that two televisions in the public area of the place of public accommodation, resort or amusement have the same channel being broadcast, only one of the televisions shall be subject to this section.

3. As used in this section:

(a) "closed captioning" shall mean a feature on a television that when activated will visually display a transcription of the audio portion of video programming; and

(b) "public area" shall mean the section of a place of public accommodation, resort or amusement that is open to the general public.

*** § 79-p. Recording certain activities.** 1. Definitions. For purposes of this section, the following terms shall have the following meanings:

(a) "Officer" means any peace officer, police officer, security officer, security guard or similar official who is engaged in a law enforcement activity;

(b) "Law enforcement activity" means any activity by an officer acting under the color of law; and

(c) "Record" means to capture or attempt to capture any moving or still image, sound, or impression through the use of any recording device, camera, or any other device capable of capturing audio, moving or still images, or by way of written notes or observations.

2. Right to record law enforcement related activities. A person not under arrest or in the custody of a law enforcement official has the right to record law enforcement activity and to maintain custody and control of that recording and of any property or instruments used by that person to record law enforcement activities, provided, however, that a person in custody or under arrest does not, by that status alone, forfeit the right to have any such recordings, property and equipment maintained and returned to him or her. Nothing in this subdivision shall be construed to permit a person to engage in actions that physically

interfere with law enforcement activity or otherwise constitute a crime defined in the penal law involving obstructing governmental administration.

3. Private right of action. (a) A claim of unlawful interference with recording a law enforcement activity is established under this section when a person demonstrates that he or she exercised or attempted to exercise the right established in subdivision two of this section to record a law enforcement activity and an officer acted to interfere with that person's recording of a law enforcement activity, including but not limited to, by:

- (i) intentionally preventing or attempting to prevent that person from recording law enforcement activity;

- (ii) threatening that person for recording a law enforcement activity;

- (iii) commanding that the person cease recording law enforcement activity when the person was nevertheless authorized under law to record;

- (iv) stopping, seizing, searching, ticketing or arresting that person because that person recorded a law enforcement activity; or

- (v) unlawfully seizing property or instruments used by that person to record a law enforcement activity, unlawfully destroying, or seizing a recorded image or recorded images of a law enforcement activity, or copying such a recording of a law enforcement activity without consent of the person who recorded it or approval from an appropriate court.

(b) It shall be an affirmative defense to a civil action under subparagraphs (i), (iii) and (iv) of paragraph (a) of this subdivision that at the time of such conduct by an officer, such officer had probable cause to arrest the person recording such a law enforcement activity for a crime defined in the penal law involving obstructing governmental administration.

(c) A person subject to unlawful interference with recording law enforcement activities as described in paragraph (a) of this subdivision may bring an action for any violation of this section in any court of competent jurisdiction for damages, including punitive damages, for declaratory and injunctive relief, and such other remedies as the court may deem appropriate.

(d) In any action or proceeding brought pursuant to this section, the

court may allow a prevailing plaintiff reasonable attorney's fees and expert fees as a part of the costs which may be recovered.

(e) Any action or proceeding brought pursuant to this section shall be commenced no later than three years after the date on which the violation of this section is committed.

4. Preservation of rights. This section shall be in addition to all rights, procedures, and remedies available under the United States Constitution, 42 USC 1983, the constitution of the state of New York and all other federal law, state law, law of the city of New York or the administrative code of the city of New York, and all other civil remedies, including monetary damages, created by statute, ordinance, regulation or common law.

* NB There are 2 § 79-p's

*** § 79-p. Gender neutral single-occupancy bathroom facilities.** 1. All single-occupancy bathroom facilities located in public places, including but not limited to those located in restaurants, bars, mercantile establishments, or factories, shall be designated as gender neutral for use by no more than one occupant at a time or for family or assisted use. For purposes of this section, "single-occupancy bathroom" shall have the same meaning as paragraph (d) of subdivision one of section one hundred forty-five of the public buildings law.

2. Such gender neutral bathroom facilities shall be clearly designated by the posting of such on or near the entry door of each facility.

* NB There are 2 § 79-p's

§ 79-q. Collection of gender or sex designation information by state agencies. 1. All New York state agencies that collect demographic information about a person's gender or sex shall make available to the person at the point of data collection an option to mark their gender or sex as "x".

2. Where applicable federal law requires a state agency to collect sex

or gender data as either "m" or "f", the state agency shall create a separate field for state purposes so that a person has the option to mark their gender or sex as "x" to be collected by the state.

3. All state agencies shall update any applicable physical and online forms or data systems by January first, two thousand twenty-three, except the department of labor, the office of children and family services, the office of temporary and disability assistance and the division of criminal justice services, which shall update any applicable forms or data systems by January first, two thousand twenty-four.

4. A state agency that cannot comply with the requirements of this section shall, at least sixty days before the applicable deadline, post publicly on its website a written progress report that describes with specificity the steps the agency has taken to comply with this section, the impediments that prevented compliance, the efforts undertaken by the agency to come into compliance, and an estimated time frame for compliance. The written report shall be updated every six months from the date of the original posting.

5. By January first, two thousand twenty-five, the governor shall post on a publicly available website and submit to the temporary president of the senate and the speaker of the assembly a written report listing every agency that has not yet complied with this section. Such report shall include the latest progress reports for each non-compliant agency. Such annual report shall be updated every year by January first; provided that once all agencies have complied with the requirements of this section, the governor shall post on a publicly available website and submit to the temporary president of the senate and the speaker of the assembly a certification of compliance with this section, and no further annual report shall be required.

ARTICLE 8

CAUSES OF ACTION FOR ALIENATION OF AFFECTIONS, CRIMINAL CONVERSATION, SEDUCTION AND BREACH OF CONTRACT TO MARRY ABOLISHED

Section 80-a. Causes of action for alienation of affections, criminal conversation, seduction and breach of contract to marry abolished.

80-b.

81. Commencement or threat of action unlawful.

82. Causing payment, satisfaction, settlement or compromise unlawful; instruments void.

83. Penalties.

84. Construction; inconsistent laws.

§ 80-a. Causes of action for alienation of affections, criminal conversation, seduction and breach of contract to marry abolished. The rights of action to recover sums of money as damages for alienation of affections, criminal conversation, seduction, or breach of contract to marry are abolished. No act done within this state shall operate to give rise, either within or without this state, to any such right of action. No contract to marry made or entered into in this state shall operate to give rise, either within or without this state, to any cause or right of action for its breach.

§ 80-b. Nothing in this article contained shall be construed to bar a right of action for the recovery of a chattel, the return of money or securities, or the value thereof at the time of such transfer, or the rescission of a deed to real property when the sole consideration for the transfer of the chattel, money or securities or real property was a contemplated marriage which has not occurred, and the court may, if in its discretion justice so requires, (1) award the defendant a lien upon the chattel, securities or real property for monies expended in connection therewith or improvements made thereto, (2) deny judgment for the recovery of the chattel or securities or for rescission of the deed and award money damages in lieu thereof.

§ 81. Commencement or threat of action unlawful. It shall be unlawful for any person, either as a party or attorney, or in behalf of either,

to file, serve or cause to be filed or served, or threaten to file, serve or cause to be filed or served, any process or pleading, in any court of the state, setting forth or seeking to recover a sum of money upon any cause of action abolished by this article, whether such cause of action arose within or without the state.

§ 82. Causing payment, satisfaction, settlement or compromise unlawful; instruments void. Any contract or instrument executed after March twenty-ninth, nineteen hundred thirty-five, within this state in payment, satisfaction, settlement or compromise of any claim or cause of action abolished by this article, whether such claim or cause of action arose within or without this state, is contrary to the public policy of this state and absolutely void. It shall be unlawful to cause, induce or procure any person to execute such a contract or instrument; or to receive, take or accept any money or thing of value, or cause, induce or procure any person to give, pay, transfer or deliver any money or thing of value, in payment, satisfaction, settlement or compromise of any such claim or cause of action. It shall be unlawful to commence or cause to be commenced, either as party or attorney, or in behalf of either, in any court of this state, any proceeding or action seeking to enforce or recover upon any such contract or instrument, knowing it to be such, whether it was executed within or without this state.

§ 83. Penalties. Any person who violates any of the provisions of this article shall be guilty of a felony which shall be punishable by a fine of not less than one thousand dollars nor more than five thousand dollars, or by imprisonment for a term of not less than one year nor more than five years, or by both such fine and imprisonment, in the discretion of the court.

§ 84. Construction; inconsistent laws. This article shall be liberally construed to effectuate its objects and purposes and the public policy of the state as hereby declared. If any part of this article, or its application to any persons or circumstances, is adjudged by a court to

be invalid or ineffectual, such judgment shall not affect the remainder of the article or its application to any other person or circumstances. This article shall supersede all laws inconsistent with it to the extent of such inconsistency, but in all other respects shall be deemed supplemental to such laws. Nothing contained in this article shall be construed as a repeal of any provision of the penal law or the criminal procedure law or any other law relating to criminal or quasi-criminal actions or proceedings.

* ARTICLE 8-A

NEW YORK STATE BIVENS ACT

Section 85. Action for deprivation of constitutional rights by government officials acting under color of law.

86. Severability.

§ 85. Action for deprivation of constitutional rights by government officials acting under color of law. 1. Liability. Any person who, under color of any law, statute, ordinance, regulation, custom, or usage of the United States and of any state or territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the constitution of the United States, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.

2. Remedies. In any action brought under this section, the court may award:

a. Compensatory damages, including damages for emotional distress, pain and suffering, and other non-economic damages;

b. Punitive damages where the violation is found to be malicious, wanton, willful, or in reckless disregard of the plaintiff's rights;

c. Injunctive and declaratory relief;

d. Nominal damages; and

e. Reasonable attorneys' fees and costs to a prevailing plaintiff, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity such officer shall not be held liable for any costs, including attorneys' fees, unless such action was clearly in excess of such officer's jurisdiction.

3. This section shall apply retroactively to January first, two thousand twenty-five, provided that for any claim for a violation of the United States Constitution that occurred between January first, two thousand twenty-five, and the effective date of this section, the only monetary damages that shall be available pursuant to this section for such constitutional violation are nominal and compensatory damages.

§ 86. Severability. If any clause, sentence, paragraph, section, or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this article would have been enacted even if such invalid provisions had not been included herein.

ARTICLE 9

RIGHT TO CALL POLICE AND EMERGENCY

ASSISTANCE/VICTIM PROTECTIONS

Section 90. Legislative findings.

91. Right to call for police and emergency assistance; victim

protections.

92. Protections not applicable to breaches of lease, illicit activities or other violations of law.
93. Right of property owners to be free of penalty for respecting the rights of an occupant to request police or emergency assistance.
94. Limitation on right to request police or emergency assistance prohibited.
95. Defenses.
96. Removal of the perpetrator of violence while assuring continued occupancy by victim.
97. Remedies.
98. Availability of remedies.

§ 90. Legislative findings. No victim of domestic violence, or other person threatened with violence or in jeopardy of harm, should fail to access police or emergency assistance when needed because of the fear that doing so may result in losing their housing through eviction or other actions to remove them from the property. Some local laws or policies have the effect of treating such requests for police or emergency aid as a disturbance constituting a "public nuisance" or otherwise treating the individual faced with the violence and in need of assistance as an undesirable tenant or undesirable influence on the neighborhood based upon a call for help to their home. Legislation is needed to assure that victims of violence or threats of harm or violence are not penalized in relation to any law enforcement activity and intervention necessary to address offender accountability and victim safety.

Municipalities throughout the state have increasingly begun to adopt local laws and ordinances to address public nuisances or other intrusions on the quiet enjoyment of their residents and communities. Despite their intent to aid communities, overly broad ordinances have instead had a harmful chilling effect deterring victims of violence and crime from accessing police assistance and have jeopardized public safety. They also can unfairly penalize landlords when their tenants

need emergency assistance. Courts in New York and other states have found such public ordinances to be unconstitutional because of these harms. Moreover, the U.S. Department of Housing and Urban Development issued guidance in 2016 on how these ordinances can violate the Fair Housing Act's prohibitions on discrimination based on sex, race, disability, and national origin.

Given the negative impact that certain provisions have on the community at large, and to victims of crime in particular, remedial legislation is necessary that will both protect the rights of domestic violence and crime victims and others to access essential police and emergency assistance, as well as preserve the locality's right to address conduct that may undermine the community's safety or integrity.

The legislature therefore finds that it is desirable to clarify the law in this area in order to protect people from violence and crime.

The legislature further finds that there is a need to assure that victims of violence, including persons threatened with harm or violence, have a clear right to access assistance to protect personal or public safety.

The legislature further finds that clarification in this area will advance the state's interest in stopping crime and further the aims of penal laws that depend on citizens to report incidents of crime to law enforcement.

The legislature finally finds that there is a need to assure that people who need emergency assistance, including persons with disabilities, have a clear right to access assistance without fear of penalty or reprisal.

With this remedial legislation the legislature specifically intends that the coverage of this article includes, but is not limited to, laws or ordinances that use any form of cumulative point system for the purpose of identifying any persons or properties who or which would be subject to municipal enforcement action.

§ 91. Right to call for police and emergency assistance; victim protections. 1. Any person who is a victim of domestic violence, as defined in section four hundred fifty-nine-a of the social services law, or who otherwise believes they are in need of police or emergency assistance has the right to request such assistance and to be free of any direct or indirect penalty or reprisal for accessing assistance, or because they reside at a property where domestic violence or other law enforcement or emergency response activity occurred. Other than as provided in section ninety-two of this article, no victim of conduct which has been used as the grounds for the application of a local law or ordinance established for the purpose of regulating nuisances shall be directly or indirectly penalized, or otherwise subject to reprisal by application of such local law, including by termination or refusal to renew a tenancy or by eviction. These protections shall also extend to any residential occupant upon whose behalf a third party has called for police or emergency assistance.

2. No residential occupant shall be required, either orally or in writing, to waive rights under this article, and any such waiver shall be void and unenforceable.

§ 92. Protections not applicable to breaches of lease, illicit activities or other violations of law. The protections of this article shall not be deemed to prohibit a municipality from enforcing an ordinance or local law, nor restrict a landlord from terminating, evicting or refusing to renew a tenancy, when such action is premised upon grounds other than access of police or emergency assistance or is otherwise premised on conduct unrelated to the residential occupant's status as a target or victim of violence or harm.

§ 93. Right of property owners to be free of penalty for respecting the rights of an occupant to request police or emergency assistance. No landlord or other property owner shall be subject to fines or loss of

permits or licenses by a municipality for failing to penalize or take steps to remove an occupant who has exercised rights under this article.

§ 94. Limitation on right to request police or emergency assistance prohibited. A municipality, municipal authority, landlord or property owner shall not prohibit, restrict, penalize or in any other way directly or indirectly limit any person's exercise of rights under this article and any such limitation shall be void as contrary to public policy. The protections of this prohibition shall extend to any residential occupant upon whose behalf a third party has called for police or emergency assistance.

§ 95. Defenses. 1. It is a defense to any judicial or administrative action or proceeding taken by any municipality or municipal authority enforcing any local law or ordinance that the enforcement action directly or indirectly penalizes a residential occupant or property owner for the exercise of rights under this article. Prior to initiation of any such enforcement action or proceeding all parties and any residential occupant that may be so impacted shall be given written notice by the municipality of the protections of this article and shall have the right to be heard in the action or proceeding to advance the defenses provided by this article.

2. It is a defense in any action or proceeding by a landlord or other owner of real property to regain possession of that property that the action or proceeding directly or indirectly penalizes a residential occupant for the exercise of rights under this article. Any residential occupant whose right to continued occupancy may be impacted by the action or proceeding shall be given written notice of the action or proceeding and the protections of this article by the party initiating the action or proceeding. The residential occupant shall have the right to appear as a necessary party in accordance with the provisions of the civil practice law and rules and the real property actions and proceedings law in order to advance the defenses provided by this article.

§ 96. Removal of the perpetrator of violence while assuring continued occupancy by victim. Actions including termination, eviction or refusal to renew a leasehold interest or termination of any other form of lawful occupancy through a judicial proceeding may be carried out against the perpetrator of such violence or harm. Notwithstanding the terms of an existing lease, written or oral, or other form of occupancy agreement, any person with rights described in section ninety-one of this article shall have the right to continue in occupancy, and the court may so order, for a term equivalent to the balance of the original term and under the same terms and conditions as provided in the original lease or occupancy agreement.

§ 97. Remedies. Any person or entity aggrieved by a violation of the protections created by this article shall have the right to bring an action or special proceeding in a court of appropriate jurisdiction to seek damages and/or declaratory and injunctive relief or any other remedies as provided by law with respect to such violation. A prevailing plaintiff may be entitled to an award of costs and attorney's fees.

§ 98. Availability of remedies. Seeking legal remedies or relief under this article shall not diminish or impair the right of a person to seek or receive any other relief, remedy or benefit under any other applicable law or legal process.

ARTICLE 10

LAW ENFORCEMENT FACE COVERINGS

Section 100. Definitions.

101. Face coverings prohibited.

102. Identification required.

§ 100. Definitions. For purposes of this article:

1. The term "face covering" means any item that is used to conceal, disguise, or obscure the facial identity, including any opaque mask, garment, helmet, headgear, balaclava, ski mask, neck gaiter, or tactical mask. The term "face covering" shall not include:

- (a) a transparent face shield;
- (b) a medical grade surgical mask or N95 respirator worn to prevent the transmission of diseases or illnesses;
- (c) a mask or apparatus worn to protect against imminent exposure to any toxins, gas, smoke, or other hazardous or harmful environmental condition;
- (d) a mask, helmet, self-contained breathing apparatus, or other device necessary when worn to perform duties related to a water rescue operation;
- (e) a motorcycle helmet when worn by an individual using a motorcycle or other vehicle that requires a helmet for safe operations;
- (f) necessary protective eyewear;
- (g) ballistic gear worn for the purposes of physical safety;
- (h) camouflage gear worn for the purposes of blending in to a physical environment;
- (i) a mask or disguise worn for the purposes of active undercover operations;
- (j) a garment worn for religious purposes;
- (k) sunglasses;
- (l) facial hair; or
- (m) any other item worn to follow applicable laws on occupational health and safety, reasonable workplace accommodations, or to protect the skin from frostbite during conditions that the law enforcement officer reasonably thinks could cause frostbite.

2. The term "law enforcement officer" means:

- (a) any police officer, as defined in section 1.20 of the criminal procedure law;
- (b) any peace officer, as defined in section 2.10 of the criminal procedure law; or
- (c) any federal law enforcement officer, as defined in section 2.15 of the criminal procedure law.

§ 101. Face coverings prohibited. 1. A law enforcement officer shall not wear any face covering that conceals, disguises, or obscures their facial identity while interacting with the public in the performance of their duties, except as authorized by this article.

2. Any person who willfully violates this section shall for a first offense be guilty of a violation and each subsequent offense shall be guilty of a misdemeanor.

§ 102. Identification required. 1. Any uniformed law enforcement officer while interacting with the public in the performance of their duties shall visibly display:

- (a) the name of the agency or department employing such officer; and
- (b) at least one form of identification of the officer, such as the officer's name, badge number, or shield number.

2. Law enforcement officers who are not uniformed while interacting with the public in the performance of their duties shall wear at least one visibly identifying agency-issued or department-issued logo, patch, emblem, insignia, or other external identifier clearly identifying such officer as a law enforcement officer within such agency or department acting under color of law.

3. The requirements of this section shall not apply to:

- (a) officers engaged in active undercover operations, covert surveillance, other investigative activities where identification would compromise such investigation, or protective detail assignments for a designated person or location where visible identification would materially increase a security risk to the officer or the protected individual; or
- (b) officers using personal protective equipment required for medical or emergency response purposes, where such equipment temporarily prevents visible display of identification.

4. For the purposes of this section: (a) "visibly display" means to wear externally on the uniform in a size and location that is reasonably visible to members of the public with whom the officer interacts; and (b) compliance with 10 U.S.C. § 723, in circumstances where that statute applies, satisfies all obligations that this section imposes upon the officer.

5. Any person who willfully violates this section shall for a first offense be guilty of a violation and each subsequent offense shall be guilty of a misdemeanor.

6. The provisions of this section shall apply notwithstanding any other provisions of state or local law, charter, code, ordinance, resolution, rule, or regulation to the contrary. Provided, however, that nothing in this article shall be construed to prevent or restrict the state government from adopting, enacting, or enforcing state policies or a local government from adopting, enacting, or enforcing local policies, laws, resolutions, ordinances, or regulations which comply with at least the applicable standards or requirements of this section, or which exceed the provisions of this section beyond the requirements set forth in the chapter of the laws of two thousand twenty-six that added this section.

ARTICLE 15

Laws Repealed; When to Take Effect

Section 150. Laws repealed.

151. When to take effect.

§ 150. Laws repealed. Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is hereby repealed.

§ 151. When to take effect. This chapter shall take effect immediately.

