



Legislation Details (With Text)

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Title: A Local Law to amend the administrative code of the city of New York, in relation to creating the crime of unlawful video surveillance.

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Int. No. 505

By Council Members Vallone, Addabbo, Avella, Clarke, Comrie, Espada, Felder, Fidler, Foster, Gennaro, Gerson, Jackson, Jennings, Katz, Martinez, McMahon, Nelson, Perkins, Recchia, Reed, Sanders, Sears and Weprin

A Local Law to amend the administrative code of the city of New York, in relation to creating the crime of unlawful video surveillance.

Be it enacted by the Council as follows:

Section one. Legislative Findings and Intent.

Currently, there is no criminal sanction when a person uses a video camera, or similar device, to view a person, without such person’s consent, in a place where such person has a reasonable expectation of privacy. Although State General Business Law makes it a crime for the manager or owner of a premises (which does not include a private dwelling) to knowingly permit or allow a video surveillance device to be installed or maintained on the premises, no criminal sanction exists for the person who uses or installs such a device, or who disseminates the taped material to others.

This outrageous behavior, in which individuals are observed, without their consent, in their most private moments, deserves to be treated as a crime. Unfortunately, there are many examples of individuals who violate others’ privacy in this manner but who do not suffer any consequences, including a recent incident aboard a ship in New York Harbor in which the D.J. had planted a wireless surveillance camera in the boat’s bathroom while an office party was being held aboard the ship. The police took the D.J. into

custody but did not press any charges, because such actions do not violate the law. The New York City Council hereby finds that this type of invasion of privacy must be made criminal.

§2. Chapter one of title ten of the administrative code of the city of New York is amended by adding a new section 10-162, to read as follows:

10-162 Unlawful Video Surveillance

a. Definitions. “Video Surveillance” means the intentional visual observation of a person by means of a television, video camera, computer monitor, or other electronic device, whether or not such observation is viewed live or is recorded on such instruments including, but not limited to, film, videotape, compact disc, digital tape, diskette or fixed disk.

b. Prohibited Conduct. It shall be unlawful for a person:

(i) To knowingly use or install, or permit the use or installation of, a video surveillance device with the intent of observing or recording any person, without the consent of such other person:

1. in any situation where such person may be dressing or undressing; or

2. where such person may be in a state of nudity, as defined in the penal law; or

3. when such person is in any fitting room, restroom, toilet, bathroom, washroom, shower, or a room assigned to guests or patrons in a motel, hotel or inn;

(ii) To knowingly use or install, or permit the use or installation of, a video surveillance device to observe or record under the clothing being worn by a person, without the consent of such other person; or

(iii) To knowingly sell, disseminate, distribute, or transmit any such unlawfully obtained images or recordings.

c. Exemptions.

The provisions of this section shall not apply with respect to any (A) law enforcement personnel engaged in the conduct of their authorized duties; or (B) security system wherein a written notice is prominently and conspicuously posted at the location of each video surveillance camera, such notice indicating that a video surveillance camera has been installed for the purpose of security.

§3. This local law shall take effect immediately.

TB
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