Legislation Details (With Text)

File #:	Res 0930-2003	**Version:**	*	**Name:**	Creating the crime of unlawful video surveillance.
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Title: Resolution in support of the efforts of Governor Pataki and the New York State Legislature to create the crime of unlawful video surveillance and urging them to enact this important legislation before the end of the current legislative session.

Sponsors:

Indexes:

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Date	Ver.	Action By	Action	Result
6/5/2003	*	City Council	Introduced by Council	
6/5/2003	*	City Council	Referred to Comm by Council	
12/31/2003	*	City Council	Filed (End of Session)	

Res. No. 930

Resolution in support of the efforts of Governor Pataki and the New York State Legislature to create the crime of unlawful video surveillance and urging them to enact this important legislation before the end of the current legislative session.

By Council Members Vallone, Jr., Addabbo, Avella, Clarke, Comrie, Espada, Felder, Gennaro, Jackson, Katz, Martinez, McMahon, Nelson Perkins, Reed, Sanders, Sears, Stewart, Weprin and Quinn

Whereas, In November 2001, Bay Shore, New York landlord William Schultz was caught secretly videotaping a female tenant in her bedroom; for over a month, the unsuspecting tenant was unaware that Schultz had hidden a tiny video camera in the smoke detector directly above her bed and was taping her most intimate and private moments; and

Whereas, Unbelievably, as advances in technology continue to make cases like this increasingly common, there is currently no New York State law that addresses the modern crime of "video voyeurism"; and

Whereas, While state law prohibits any business manager or owner from allowing a video device to be installed or maintained on a business premises, the law does not criminalize the behavior of the individual who installs or uses such device; and

Whereas, Further, no law protects individuals from being unknowingly taped in a non-business setting such as a residence, school or locker room; and

Whereas, Fortunately, however, there are currently three bills pending before the State Legislature to remedy this legal loophole; bills S.526, S.3060 and A. 4479 would amend the penal law to create the crime of unlawful video surveillance to punish those individuals who install or use a viewing device to observe another without the other party's consent; under the bills, such crime could potentially be a Class E felony punishable by up to four years in prison; and

Whereas, There is no greater expectation of privacy than in one's own home or in such other place where one has a reasonable expectation of privacy; being secretly watched is frightening enough, however, discovering that you have been secretly watched during your most intimate and private moments in a location where you expect to be safe and secure, can feel like the ultimate violation; the ensuing terror, humiliation and distrust that accompanies such a violation can haunt victims for years to come; and

Whereas, As stated by Senator Carl Marcellino, sponsor of S.526, "There are perverted individuals out there that see secret video surveillance as a form of high-tech hunting. This bill will protect the privacy of unknowing victims caught on tape and will provide law enforcement with a tool to convict these disturbed criminals;" and

Whereas, Victims of this heinous invasion of privacy need the protection of the law and the stricter penalties that it provides so that perpetrators can be properly punished and held accountable for their egregious actions; the safety and security of too many victims has already been compromised; and

Whereas, A person has the right to expect privacy in their home as well as in the home of others; with the increased use of information technology, personal privacy is becoming harder and harder to protect; video voyeurism is a heinous breach of trust and it is time that New Yorkers are afforded this important protection of privacy; and

Whereas, The Council applauds the efforts of the Governor and the State Legislature to broaden the scope of the law to better protect the

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safety, well-being and fundamental right to privacy of all New Yorkers and urges them to quickly adopt this important legislation; now, therefore, be it

Resolved, That the Council of the City of New York supports the efforts of Governor Pataki and the New York State Legislature to create the crime of unlawful video surveillance and urges them to enact this important legislation before the end of the current legislative session.

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