



Legislation Text

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Int. No. 383-A

By Council Members Yassky, Gerson, Koppell, Garodnick, Nelson, Sears and Weprin

A Local Law to amend the administrative code of the city of New York, in relation to the unauthorized operation of a recording device in a place of public performance.

Be it enacted by the Council as follows:

Section 1. Title 10 of the administrative code of the city of New York is amended by adding a new chapter 7, to read as follows:

CHAPTER 7

Unauthorized recording in a place of public performance

§10-701 **Definitions.** Whenever used in this chapter, the following terms shall have the following meanings:

- a. “Recording device” means a photographic or video camera, or any audio and/or visual recording function of any device used for recording or transmitting sound, picture, or both, of a live performance or motion picture.
- b. “Place of public performance” means (1) a theater that is used primarily for the exhibition of motion pictures or (2) any venue that is used for the exhibition of motion pictures or used for live theatrical or musical performances at which the operator posts a sign that meets the requirements of section 10-705 of this article.
- c. “Unauthorized operation” means operation conducted without written authority or permission from the owner, operator, manager or other person having control of a place of public performance.

§10-702 **Unauthorized operation of a recording device in a place of public performance prohibited.** No person may engage in or cause or permit another to engage in the unauthorized operation of a recording device in a place of public performance.

§10-703 **Penalties.** Any person who violates the provisions of this chapter shall be guilty of a misdemeanor which, upon a first conviction, shall be punishable by a term of imprisonment not to exceed six months, by a fine of not less than one thousand dollars nor more than five thousand dollars, or both such fine and imprisonment, and be subject to a civil penalty not to exceed five thousand dollars. Any person who violates the provisions of this chapter shall be guilty of a misdemeanor which, upon a second and any subsequent conviction occurring within one year of a first conviction, shall be punishable by a term of imprisonment not to

exceed one year, by a fine of not less than five thousand dollars nor more than ten thousand dollars, or both such fine and imprisonment, and be subject to a civil penalty not to exceed ten thousand dollars. Such penalty shall be in addition to any other penalties or sanctions that may be imposed, and such penalties shall not limit or preclude any cause of action available to any person or entity injured or aggrieved by such action.

§10-704 **Exception.** This section shall not be interpreted to impair or restrict any law enforcement personnel or employees of governmental agencies or other entities, public or private, who, in the course of their employment, attempt to capture any visual image, sound recording, or other physical impression: (i) of a person engaging in criminal or otherwise illegal activity; or (ii) while conducting an investigation, surveillance, or monitoring of any person to obtain evidence of suspected illegal activity, including the suspected violation of any administrative rule or regulation, a suspected fraudulent insurance claim, or any other suspected fraudulent conduct or activity involving a violation of law or pattern of business practices adversely affecting public health or safety.

§10-705 **Signage.** The operator of a venue as defined by paragraph (2) of subdivision b of §10-701 of this subchapter may prominently display at the entrance to such venue, a sign stating in conspicuous letters that are at least three-fourths of an inch high that the unauthorized operation of a recording device at such place of public performance is prohibited by law and is punishable by criminal and civil penalties.

§10-706 **Rule-making authority.** The police department may promulgate rules as necessary to carry out the provisions of this chapter.

§2. This local law shall take effect sixty days after its enactment provided, however, that the police department may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.