



Legislation Details (With Text)

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Int. No. 635

By Council Members Lopez, Gennaro, James, Palma, Sanders Jr., Sears, Vallone Jr. and Weprin

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

Be it enacted by the Council as follows:

Section 1. Declaration of Legislative Findings and Intent.

Currently, there is no criminal liability for a person who uses a video camera, or similar device, to view another person, without such person’s consent, in a place other than a bedroom, changing room, fitting room, toilet, bathroom, washroom or shower. Although State Penal Law makes it a crime for a person to intentionally use or install, or permit the utilization or installation of an imaging device to surreptitiously view, broadcast, or record a person dressing or undressing or record a person in a bedroom, changing room, fitting room, toilet, bathroom, washroom or shower, when such a person has a reasonable expectation of privacy, without such person’s knowledge or consent, no criminal sanction exists for a person who uses or installs such an imaging device to view activity or persons in other rooms of a residence, where one has a reasonable expectation of

privacy. The narrowly tailored language in the State’s unlawful surveillance statute (also known as “Stephanie’s Law”) leaves gaps for some video voyeurs to slip through our legal system.

People have a right to feel safe and secure in their homes. It is therefore necessary that criminal sanctions be imposed on voyeurs who destroy personal privacy and dignity by videotaping or photographing unsuspecting individuals in the privacy of all rooms of their home. 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 10-164, to read as follows:

§ 10-164 Video Voyeurism.

a. Definitions. “Imaging Device” means any mechanical, digital, or electronic viewing device, camera or any other instrument capable of recording, storing or transmitting visual images that can be utilized to observe a person.

b. Prohibited Conduct. It shall be unlawful for a person to use or install, or permit the use or installation of an imaging device for the purpose of surreptitiously observing, viewing, photographing, filming or videotaping a person present in a residence or any room or particular location within a residence, where that person has a reasonable expectation of privacy, and has not consented to the observation.

c. Penalty. Any person who shall violate subdivision b of this section shall be guilty of a class A misdemeanor.

§3. This local law shall take effect sixty days after it shall be enacted.

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LS # 2675