



NEW YORK STATE SENATOR

David Carlucci

Senator Carlucci Introduces Internet Privacy Bill

DAVID CARLUCCI May 1, 2012

| ISSUE: **INTERNET**

Prohibits Posting Sexual Photos Online without Consent; Closes Dangerous Loophole to Protect Privacy; Expands Unlawful Surveillance Law

NEW CITY, NY – Individuals who post degrading images of others online without their consent will now think twice before doing so, as a result of new legislation (S.6746) introduced by Senator David Carlucci (D-Rockland/Orange).

Standing beside Rockland County District Attorney Thomas Zugibe, the Clarkstown Police Department, and numerous women's advocacy organizations, Senator Carlucci expressed the urgent need to expand the jurisdiction of law enforcement so that they have the tools and resources needed to pursue these degrading acts.

After being approached by a victim, the Clarkstown Police Department discovered a loophole in the unlawful surveillance laws. The victim's image had been posted on the internet without her consent. The image posted online showed her and the sexual parts of the other individual involved in the act. Yet since the victim's sexual parts were not exposed, police lacked the legal authority to pursue the suspect.

"Clicking a button on a mobile device shouldn't put a person's right to privacy in danger," **said Senator Carlucci.** "With the rapid advancement of new technology, we need a 21st century

approach to surveillance laws. This legislation will deter individuals from using the internet as a vehicle to humiliate or exploit others.”

The Clarkstown Police Department shortly thereafter brought this matter to Senator Carlucci to revise existing state law. His office subsequently reached out to the Rockland County District Attorney’s office to help draft language to the bill that has been introduced.

Thomas Zugibe, Rockland County District Attorney, said: "I commend Senator Carlucci for his efforts in working to close a glaring loophole. For too long, our laws have not kept pace with the current trends in society. With the use of social media outlets at an all-time high, this legislation should go a long way toward putting an end to the days when a person had no legal recourse after their image wound up on the Internet, without consent. With this proposal in place, those people who invade another's privacy by disseminating unauthorized, intimate photos or video will know they could face prosecution to the fullest extent of the law with provisions that have meaningful repercussions."

This bill provides that a person can be charged with unlawful surveillance in the second degree if:

- An individual uses a device to view, broadcast, or record a person in the same image together with the sexual or other intimate parts of any other person.
- The image obtained contains an individual in the same image together with the sexual or other intimate parts of any other person. The bill provides that a person can be charged here in the first degree as well.

Michael Sullivan, Clarkstown Police Department Chief of Police, said: “I would like thank Senator Carlucci for his initiative and thank him for this much needed and common sense bill that

addresses a dangerous loophole in the law, and protects innocent people from being humiliated and victimized through the improper use of the internet.”

Phyllis B. Frank, Assistant Executive Director and Social Justice Programs Director for Volunteer Counseling Services, said: “The legislation proposed by Senator Carlucci will result in closing loopholes and strengthening the criminal justice system's ability to respond to unlawful surveillance. VCS supports this important initiative.”

Carolyn Fish, Executive Director of Rockland Family Shelter, said: ““We have worked with a number of women whose batterers have threatened to post intimate pictures of them on the internet to humiliate and coerce them to either stay in the relationship or to force them to do something against their will. We absolutely support this bill as it will close the loophole that exists which allows for such behavior.”

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