



NEW YORK STATE SENATOR

David Carlucci

Senator Carlucci Passes Internet Privacy Bill in Legislature

DAVID CARLUCCI July 22, 2014

| ISSUE: [LAW](#)



NEW CITY, NY – Standing beside **Rockland County District Attorney Thomas Zugibe, Police Chief Sullivan of the Clarkstown Police Department, VCS INC. and the Center for Safety and Change, Senator David Carlucci (D-Rockland/Westchester)** expressed the urgent need to have legislation signed into law that will ensure people who have had their image broadcasted without their consent will have a course of action under the law.

This bill stems from an incident that occurred in Clarkstown when a victim came to the police because her image had been posted on the Internet without her permission. The image showed the victim engaged in sexual contact with another, but without her sexual parts captured in the image. Similar situations have been reported from across the country and is commonly referred to as **“revenge porn.”**

Even though the image was broadcast without her consent, the police could not press charges because the victim's sexual or intimate parts were not exposed in the picture, and therefore **did not fall under the existing statutory definition of unlawful surveillance**. Due to this unfortunate loophole in the law, the police's hands were tied and the victim was not able to seek justice.

“The internet should not be a tool to humiliate or exploit others” **said Senator David Carlucci (D-Rockland/Westchester)**. “With the rapid advancement of new technology, we need a 21st century approach to our outdated surveillance laws. This legislation, now on its way to becoming a law, will deter individuals from using the internet as a vehicle to humiliate or exploit others.”

Working with the local District Attorney's office and the Clarkstown Police Department, the language of this bill provides that a person can be charged with unlawful surveillance if they disseminate an image of an individual engaged in sexual conduct, **regardless of whether their own sexual parts were broadcast**.

Thomas Zugibe, Rockland County District Attorney said, "My office has seen a dramatic rise in cases involving social media and the internet in just the past few years. Working together with Senator Carlucci, we have made sure to update existing law to keep up with technology. This legislation will protect victims and I urge our Governor to sign this critical piece of legislation into law."

This expansion of the law will ensure that police officers and local prosecutors will be able to bring charges in such cases and that victims can receive the justice they rightly deserve.

The legislation passed both houses of the legislature this year and is going to Governor Cuomo's desk to be signed into law.

Michael Sullivan, Clarkstown Police Department Chief of Police, said “Senator Carlucci made sure to find a legislative solution when our officers in Clarkstown found a loophole that was harming our community. I want to thank the Senator for making sure this common sense bill passed both houses of the legislature. I look forward to closing this loophole for good which will protect victims from improper use of the internet.”

Gail Golden, Assistant Executive Director for Volunteer Counseling Services, said “VCS is very supportive of Senator Carlucci’s efforts to close this gaping loophole to protect our community. Improper use of the internet continues to put our residents in harm’s ways. VCS continues to counsel many young people suffering severe depression caused by humiliating photos posted of them on the Internet. I commend the Senator for making sure our laws keep up with the times.”

Kiera Pollock, Deputy Executive Director of Programs and Clinical Services, Center for Safety & Change, said “We have worked with a number of women whose perpetrators have threatened to post intimate pictures of them on the internet in order to humiliate and coerce them to either stay in the relationship or to force them to do something against their will. We thank Senator Carlucci for his advocacy and support for these victims who under this new law can receive justice.”

###