

Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City
Town of Kings Point
Village

Local Law 1 of the year 2024

(Insert Title)

A local law amending the Code of the Village of Kings Point to add a new chapter 119, Recording Prohibited.

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County
City
Town of Kings Point
Village

Section 1. Legislative Intent.

It is the intent of this legislation to protect the privacy of residents of the Village and others who seek personal assistance with private matters, whether they be related to health, finances, or complaints about neighbors, and who might feel intimidated to discuss those matters if someone is videoing or photographing them.

Residents come to the Village Hall, whether it be to the Village administrative staff, police department, court clerk, or building department, with regard to many personal and private issues, such as financial problems; paying taxes; difficulties in building within the required time set forth in their building permits; the need to amend building permits; the factual circumstances when they were issued a notice of violation or an appear ticket; paying a fine; complaints about neighbors violating Village Code requirements; when they will be on vacation and special attention should be paid to their home; when individuals in their home, because of age, health, or disability problems,

might need special care in the event of a fire or other emergency situation.

It is essential to the proper workings of the Village to be able to hear and respond to the needs of its residents, and others within the Village, that those individuals do not feel constrained to discuss their issues with the Village staff and police, who are there to assist them, by someone taking videos or photographs of them.

The lobbies of the Village Hall and the Police Department, and their respective offices, have never been designated or used as public forums and this legislation is intended to clarify to the public the limits of where and when photographing and videoing are permitted.

Section 2. The Code of the Village of Kings Point is amended to add a new chapter 119, Recording, Prohibited, to read as follows.

“Chapter 119

RECORDING, PROHIBITED

§ 119-1. Definitions.

The following words, for the purposes of this chapter, shall have the meanings indicated:

AUTHORIZED PERSON: The Mayor and the Village Clerk.

RECORD: Includes both audio and visual recording, whether that visual recording is moving or still.

§ 119-2. Prohibitions.

No person shall record or cause someone to record any person or location inside of any Village building, except as set forth in § 119-3.

§ 119-3. Exceptions and affirmative defenses.

The prohibition set forth in § 119-2 shall not prohibit:

- A. Recordings authorized by an authorized person.
- B. Recordings authorized by Civil Rights Law § 79-p, or any superseding or subsequent provision thereof, granting a person the right to record an activity of a police officer while the police officer is acting under cover of law. For the purpose of this section the recordings permitted hereunder are limited to actions by a police officer involving an individual who may be suffering from an abridgement of such individual's rights.

- C. Recordings within the court room in the Village Hall:
 - (1) When there is a public hearing or other public meeting open to the public.
 - (2) When the court is in public session if and when written permission has been granted by the Chief Administrator of the Courts pursuant to Rule 29 of the Rules of the Chief Judge and sufficient proof of that permission is provided to the Court Clerk during the normal business hours of the Court Clerk not less than two business days before the subject public session of the court.
- D. It shall be an affirmative defense that a recording was authorized by an authorized person.
- E. Any recording permitted by the foregoing exceptions shall be performed in a manner that does not interfere with the orderly conduct of the public meeting or the court and, if a court session, such other conditions as may have been imposed in the permission granted by the Chief Administrator of the Courts.

§ 119-4. Violations and penalties.

- A. Any person violating this chapter may be required to leave the building and not enter a Village building for the balance of that day, unless such return is to enter the court room when recordings within the court room are permitted.
- B. Any person violating this chapter may be prohibited from bringing any device capable of recording, including, but not limited to a mobile telephone, into a Village building for a 30-day period, unless such entrance is to enter the court room when recordings within the court room are permitted.
- C. Any violation of this chapter shall be subject to the penalties set forth in Chapter 116 of this code.

Section 3. Effective date. This local law shall take effect immediately.