

2559

2013-2014 Regular Sessions

I N S E N A T E

January 22, 2013

Introduced by Sen. BALL -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to restricting the right of an offender to use a computer in prison or access the internet if such offender has been convicted of certain sex offenses and used a computer in connection with the planning or execution of his or her crime

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 70.80 of the penal law is amended by adding a new
2 subdivision 10 to read as follows:
3 10. WHENEVER AN OFFENDER CONVICTED OF A FELONY SEX OFFENSE, AS DEFINED
4 IN PARAGRAPH (A) OF SUBDIVISION ONE OF THIS SECTION, OR A VIOLENT FELONY
5 SEX OFFENSE, AS DEFINED IN PARAGRAPH (B) OF SUBDIVISION ONE OF THIS
6 SECTION, UTILIZED A COMPUTER OR THE INTERNET IN THE PLANNING OR
7 EXECUTION OF SUCH OFFENSE, THE COURT SHALL REQUIRE, AS MANDATORY CONDI-
8 TIONS OF THE SENTENCE THEREFOR, THAT SUCH SENTENCED OFFENDER BE PROHIB-
9 ITED FROM USING THE INTERNET TO ACCESS PORNOGRAPHIC MATERIAL, ACCESS A
10 COMMERCIAL SOCIAL NETWORKING WEBSITE, COMMUNICATE WITH OTHER INDIVIDUALS
11 OR GROUPS FOR THE PURPOSE OF PROMOTING SEXUAL RELATIONS WITH PERSONS
12 UNDER THE AGE OF EIGHTEEN, AND COMMUNICATE WITH ANY PERSON UNDER THE AGE
13 OF EIGHTEEN WHEN SUCH OFFENDER IS OVER THE AGE OF EIGHTEEN, PROVIDED
14 THAT THE COURT MAY PERMIT SUCH AN OFFENDER TO USE THE INTERNET TO COMMU-
15 NICATE WITH A PERSON UNDER THE AGE OF EIGHTEEN WHEN SUCH OFFENDER IS THE
16 PARENT OF A MINOR CHILD AND IS NOT OTHERWISE PROHIBITED FROM COMMUNICAT-
17 ING WITH SUCH CHILD. AS USED IN THIS SUBDIVISION, A "COMMERCIAL SOCIAL
18 NETWORKING WEBSITE" SHALL MEAN ANY BUSINESS, ORGANIZATION OR OTHER ENTI-
19 TY OPERATING A WEBSITE THAT PERMITS PERSONS UNDER EIGHTEEN YEARS OF AGE
20 TO BE REGISTERED USERS FOR THE PURPOSE OF ESTABLISHING PERSONAL
21 RELATIONSHIPS WITH OTHER USERS, WHERE SUCH PERSONS UNDER EIGHTEEN YEARS
22 OF AGE MAY (A) CREATE WEB PAGES OR PROFILES THAT PROVIDE INFORMATION
23 ABOUT THEMSELVES WHERE SUCH WEB PAGES OR PROFILES ARE AVAILABLE TO THE

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 PUBLIC OR TO OTHER USERS; (B) ENGAGE IN DIRECT OR REAL TIME COMMUNI-
2 CATION WITH OTHER USERS, SUCH AS A CHAT ROOM OR INSTANT MESSENGER; AND
3 (C) COMMUNICATE WITH PERSONS OVER EIGHTEEN YEARS OF AGE; PROVIDED,
4 HOWEVER, THAT, FOR PURPOSES OF THIS SUBDIVISION, A COMMERCIAL SOCIAL
5 NETWORKING WEBSITE SHALL NOT INCLUDE A WEBSITE THAT PERMITS USERS TO
6 ENGAGE IN SUCH OTHER ACTIVITIES AS ARE NOT SPECIFIED IN THIS SUBDIVI-
7 SION.

8 S 2. This act shall take effect on the ninetieth day after it shall
9 have become a law.