S T A T E O F N E W Y O R K

1818

2009-2010 Regular Sessions

I N A S S E M B L Y

January 12, 2009

Introduced by M. of A. PHEFFER, CYMBROWITZ, GIANARIS, MAYERSOHN, P. RIVERA -- Multi-Sponsored by -- M. of A. ALFANO, BRENNAN, ENGLEBRIGHT, GALEF, MILLMAN, PRETLOW, ROBINSON, TOWNS, WEISENBERG, WRIGHT -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to exploitive child modeling

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

Section 1. Section 263.00 of the penal law is amended by adding a new subdivision 9 to read as follows:

9. "EXPLOITIVE CHILD MODELING" MEANS THE DISPLAY OF A MINOR THROUGH ANY MEDIUM INCLUDING BUT NOT LIMITED TO A WEBSITE WITHOUT A DIRECT OR INDIRECT PURPOSE OF MARKETING A PRODUCT OR SERVICE OTHER THAN THE MINOR.

S 2. The penal law is amended by adding a new section 263.12 to read as follows:

S 263.12 PROMOTING EXPLOITIVE CHILD MODELING OR EMPLOYMENT.

A PERSON IS GUILTY OF PROMOTING EXPLOITIVE CHILD MODELING OR EMPLOYMENT WHEN HE OR SHE DISPLAYS THE IMAGE OF A CHILD THROUGH ANY MEDIUM OR EMPLOYS A CHILD IN EXPLOITIVE CHILD MODELING WHO HAS NOT ATTAINED THE AGE OF SEVENTEEN YEARS, WITH THE INTENT TO MAKE A FINANCIAL GAIN THEREBY, OR OFFERS TO PROVIDE AN IMAGE OF SUCH CHILD OR EMPLOYS SUCH CHILD WITH THE INTENT TO MAKE A FINANCIAL GAIN THEREBY, WITHOUT A DIRECT OR INDIRECT PURPOSE OF MARKETING A PRODUCT OR SERVICE OTHER THAN AN IMAGE OF A CHILD MODEL OR EMPLOYING AN EXPLOITIVE CHILD MODEL.

PROMOTING EXPLOITIVE CHILD MODELING OR EMPLOYMENT IS A CLASS E FELONY.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

LBD05321-01-9