

10170

I N A S S E M B L Y

March 9, 2010

Introduced by M. of A. HYER-SPENCER -- read once and referred to the
Committee on Codes

AN ACT to amend the penal law, in relation to creating the crime of
criminal luring or enticing of a child on the internet

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

1 Section 1. The penal law is amended by adding a new section 260.09 to
2 read as follows:
3 S 260.09 CRIMINAL LURING OR ENTICING OF A CHILD ON THE INTERNET.
4 1. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL MEAN:
5 (A) "CHILD", SOMEONE UNDER THE AGE OF EIGHTEEN YEARS; AND
6 (B) "MISREPRESENTATION", ANY COMMUNICATION BY WORDS OR ANY OTHER MEANS
7 MADE BY A PERSON, HAVING THE INTENT OF DECEIVING OR HAVING THE KNOWLEDGE
8 THAT SUCH COMMUNICATION IS FALSE, TO A CHILD FOR THE PURPOSE OF INDUCING
9 AN ACT OR AN OMISSION BY SUCH CHILD; AND
10 (C) "PERSON", SOMEONE TWENTY-ONE YEARS OF AGE AND OLDER; OR SOMEONE
11 UNDER TWENTY-ONE YEARS OF AGE AND AT LEAST FOUR YEARS OLDER THAN A
12 CHILD.
13 2. A PERSON IS GUILTY OF CRIMINAL LURING OR ENTICING OF A CHILD ON THE
14 INTERNET WHEN HE OR SHE INTENTIONALLY OR KNOWINGLY ENGAGES A CHILD IN
15 CONVERSATION ON THE INTERNET OR SOME OTHER ELECTRONIC DEVICE, AND LURES
16 OR ATTEMPTS TO LURE A CHILD INTO AN AREA AND ENTICES, BY MISREPRESENTATION
17 OF THEIR IDENTITY, AGE, INTENT OR PURPOSE, OR ATTEMPTS TO ENTICE
18 SUCH CHILD INTO AN ACTIVITY BY, INCLUDING BY NOT LIMITED TO, FALSELY
19 REQUESTING HELP OR PROMISING A REWARD, WHERE SUCH ACTIVITY OR SUCH AREA
20 IS LIKELY TO LEAD TO AN INJURY TO THE PHYSICAL, MENTAL OR MORAL WELFARE
21 OF SUCH CHILD.
22 3. IT IS NOT AN AFFIRMATIVE DEFENSE TO A PROSECUTION FOR A VIOLATION
23 OF THIS SECTION THAT:
24 (A) THE CHILD WAS ACTUALLY A LAW ENFORCEMENT OFFICER POSING AS A
25 CHILD; OR
26 (B) A MEETING DID NOT OCCUR.
27 CRIMINAL LURING OR ENTICING OF A CHILD ON THE INTERNET IS A CLASS C
28 FELONY.
29 S 2. This act shall take effect on the first of November next succeeding
30 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.

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