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

3789

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. SCHIMMINGER, ALFANO, BARRA -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the crime of facilitating a sex offense through electronic communication

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

Section 1. The penal law is amended by adding a new section 130.93 to read as follows:

S 130.93 FACILITATING A SEX OFFENSE THROUGH ELECTRONIC COMMUNICATION.

A PERSON IS GUILTY OF FACILITATING A SEX OFFENSE THROUGH ELECTRONIC COMMUNICATION WHEN, WITH INTENT TO CAUSE SEXUAL CONTACT WITH ANOTHER PERSON, HE OR SHE KNOWINGLY ENCOURAGES, SUGGESTS, ORDERS, AIDS OR OTHERWISE PARTICIPATES THROUGH ELECTRONIC COMMUNICATION WITH ONE OR MORE PERSONS TO ENGAGE IN A SEX OFFENSE AS DEFINED IN THIS ARTICLE WITH ANOTHER PERSON.

FACILITATING A SEX OFFENSE THROUGH ELECTRONIC COMMUNICATION IS A CLASS D FELONY.

S 2. Section 120.40 of the penal law is amended by adding a new subdivision 6 to read as follows:

6. "ELECTRONIC COMMUNICATION" MEANS ANY TRANSFER OF SIGNS, SIGNALS, WRITINGS, IMAGES, SOUNDS, DATA, OR INTELLIGENCE OF ANY NATURE TRANSMITTED IN WHOLE OR IN PART BY A WIRE, RADIO, ELECTROMAGNETIC, PHOTO-ELECTRONIC, OR PHOTO-OPTICAL SYSTEM. ELECTRONIC COMMUNICATION INCLUDES, BUT IS NOT LIMITED TO, THE TRANSFER OF THAT COMMUNICATION THROUGH THE INTERNET.

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.

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