

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:

1     Section 1. The penal law is amended by adding a new section 130.93 to  
2 read as follows:  
3     S 130.93 FACILITATING A SEX OFFENSE THROUGH ELECTRONIC COMMUNICATION.  
4     A PERSON IS GUILTY OF FACILITATING A SEX OFFENSE THROUGH ELECTRONIC  
5 COMMUNICATION WHEN, WITH INTENT TO CAUSE SEXUAL CONTACT WITH ANOTHER  
6 PERSON, HE OR SHE KNOWINGLY ENCOURAGES, SUGGESTS, ORDERS, AIDS OR OTHER-  
7 WISE PARTICIPATES THROUGH ELECTRONIC COMMUNICATION WITH ONE OR MORE  
8 PERSONS TO ENGAGE IN A SEX OFFENSE AS DEFINED IN THIS ARTICLE WITH  
9 ANOTHER PERSON.  
10     FACILITATING A SEX OFFENSE THROUGH ELECTRONIC COMMUNICATION IS A CLASS  
11 D FELONY.  
12     S 2. Section 120.40 of the penal law is amended by adding a new subdi-  
13 vision 6 to read as follows:  
14     6. "ELECTRONIC COMMUNICATION" MEANS ANY TRANSFER OF SIGNS, SIGNALS,  
15 WRITINGS, IMAGES, SOUNDS, DATA, OR INTELLIGENCE OF ANY NATURE TRANSMIT-  
16 TED IN WHOLE OR IN PART BY A WIRE, RADIO, ELECTROMAGNETIC, PHOTO-ELEC-  
17 TRONIC, OR PHOTO-OPTICAL SYSTEM. ELECTRONIC COMMUNICATION INCLUDES, BUT  
18 IS NOT LIMITED TO, THE TRANSFER OF THAT COMMUNICATION THROUGH THE INTER-  
19 NET.  
20     S 3. This act shall take effect on the first of November next succeed-  
21 ing 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.

LBD06811-01-9