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

6246

2009-2010 Regular Sessions

I N A S S E M B L Y

February 26, 2009

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

AN ACT to amend the penal law, in relation to the age of minority with respect to the dissemination of indecent materials to minors

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

Section 1. Subdivision 1 of section 235.20 of the penal law, as added by chapter 791 of the laws of 1967, is amended to read as follows:

1. "Minor" means any person less than [seventeen] EIGHTEEN years old.

S 2. Subdivision 2 of section 235.23 of the penal law, as amended by chapter 600 of the laws of 1996, is amended to read as follows:

2. In any prosecution for disseminating indecent material to minors in the second degree pursuant to subdivision one or two of section 235.21 of this article, it is an affirmative defense that:

(a) The defendant had reasonable cause to believe that the minor involved was [seventeen] EIGHTEEN years old or more; and

(b) Such minor exhibited to the defendant a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that such minor was [seventeen] EIGHTEEN years old or more.

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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