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

6171

2011-2012 Regular Sessions

I N A S S E M B L Y

March 8, 2011

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

AN ACT to amend the penal law, in relation to establishing the offense of public display of a blurred sexual advertisement

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 245.12 to read as follows:

S 245.12 PUBLIC DISPLAY OF A BLURRED SEXUAL ADVERTISEMENT.

(A) A PERSON IS GUILTY OF PUBLIC DISPLAY OF A BLURRED SEXUAL ADVERTISEMENT WHEN, WITH KNOWLEDGE OF HIS CHARACTER AND CONTENT, HE OR SHE DISPLAYS, PUBLISHES, DISSEMINATES, CIRCULATES, PLACES BEFORE THE PUBLIC OR CAUSES, DIRECTLY OR INDIRECTLY, TO BE DISPLAYED, PUBLISHED, DISSEMINATED, CIRCULATED OR PLACED BEFORE THE PUBLIC IN OR ON ANY WINDOW, SHOWCASE, NEWSSTAND, DISPLAY RACK, WALL, DOOR, BILLBOARD, DISPLAY BOARD, VIEWING SCREEN, MOVING PICTURE SCREEN, MARQUEE, NEWSPAPER, MAGAZINE, PAMPHLET, BOOKLET, WEBSITE, PUBLICATION OR SIMILAR PLACE, IN THIS STATE, ANY PICTORIAL, THREE-DIMENSIONAL OR OTHER VISUAL ADULT ENTERTAINMENT ADVERTISEMENT DEPICTING A PERSON OR A PORTION OF THE HUMAN BODY WITHOUT REVEALING THE ENTIRE FACE OF SUCH PERSON.

(B) FOR THE PURPOSES OF THIS SECTION, THE TERM "ADULT ENTERTAINMENT ADVERTISEMENT" SHALL MEAN AN ADVERTISEMENT FOR ANY PERSON, FIRM, CORPORATION OR ASSOCIATION THAT OWNS OR OPERATES ANYTHING SEX-RELATED INCLUDING, BUT NOT LIMITED TO ANY:

(I) STRIP CLUB, GENTLEMAN'S CLUB, OR ESTABLISHMENT WHICH FEATURES DANCERS THAT ARE DISPLAYED IN SUCH MANNER OR ATTIRE AS TO EXPOSE TO VIEW ANY PORTION OF THE PUBIC AREA, ANUS, VULVA OR GENITALS, OR ANY SIMULATION THEREOF, OR PERMIT ANY FEMALE TO APPEAR IN SUCH MANNER OR ATTIRE AS TO EXPOSE TO VIEW ANY PORTION OF THE BREAST BELOW THE TOP OF THE AREOLA;

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

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(II) WEBSITE, INTERNET BUSINESS, MAGAZINE, NEWSPAPER OR OTHER PUBLICATION OR MOVIE, DVD OR VIDEO WITH PORNOGRAPHIC CONTENT WHICH SHALL MEAN ANY STILL OR MOTION PICTURE SHOWING ACTS OF SEXUAL INTERCOURSE OR ACTS OF SEXUAL PERVERSION. THIS SECTION SHALL NOT BE CONSTRUED AS APPLYING TO BONA FIDE MEDICAL PHOTOGRAPHS OR FILMS;

(III) ADULT OR OVER-EIGHTEEN PHONE OR CHAT LINE; OR

(IV) ADULT PERSONAL ADVERTISEMENT BUSINESS.

PUBLIC DISPLAY OF A BLURRED SEXUAL ADVERTISEMENT IS A CLASS A MISDEMEANOR.

S 2. This act shall take effect immediately.