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

619

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to promoting an obscene sexual performance by a child in the first degree

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 263.09 to read as follows:

S 263.09 PROMOTING AN OBSCENE SEXUAL PERFORMANCE BY A CHILD IN THE FIRST DEGREE.

A PERSON IS GUILTY OF PROMOTING AN OBSCENE SEXUAL PERFORMANCE BY A CHILD IN THE FIRST DEGREE WHEN, KNOWING THE CHARACTER AND CONTENT THEREOF, HE OR SHE PRODUCES OR DIRECTS TEN OR MORE OBSCENE PERFORMANCES, EACH OF WHICH INCLUDES SEXUAL CONDUCT BY A CHILD LESS THAN SEVENTEEN YEARS OF AGE. NOTWITHSTANDING SUBDIVISION FOUR OF SECTION 263.00 OF THIS ARTICLE, FOR PURPOSES OF THIS SECTION, A "PERFORMANCE" SHALL MEAN A PLAY, MOTION PICTURE OR DANCE, OR A PHOTOGRAPHIC SESSION AT WHICH MULTIPLE PHOTOGRAPHS ARE TAKEN.

PROMOTING AN OBSCENE SEXUAL PERFORMANCE BY A CHILD IN THE FIRST DEGREE IS A CLASS C FELONY.

S 2. Section 263.10 of the penal law, as amended by chapter 1 of the laws of 2000, is amended to read as follows:

S 263.10 Promoting an obscene sexual performance by a child IN THE SECOND DEGREE.

A person is guilty of promoting an obscene sexual performance by a child IN THE SECOND DEGREE when, knowing the character and content thereof, he produces, directs or promotes any obscene performance which includes sexual conduct by a child less than seventeen years of age.

Promoting an obscene sexual performance by a child IN THE SECOND DEGREE is a class D felony.

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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