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

S. 7407 A. 10161

S E N A T E - A S S E M B L Y

May 9, 2012

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

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

AN ACT to amend the penal law, in relation to amending the crime of possessing an obscene sexual performance by a child to include knowingly accessing such material with intent to view

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

Section 1. Section 263.11 of the penal law, as added by chapter 11 of the laws of 1996, is amended to read as follows:

S 263.11 Possessing an obscene sexual performance by a child.

A person is guilty of possessing an obscene sexual performance by a child when, knowing the character and content thereof, he knowingly has in his possession or control, OR KNOWINGLY ACCESSES WITH INTENT TO VIEW, any obscene performance which includes sexual conduct by a child less than sixteen years of age.

Possessing an obscene sexual performance by a child is a class E felony.

S 2. Section 263.16 of the penal law, as added by chapter 11 of the laws of 1996, is amended to read as follows:

S 263.16 Possessing a sexual performance by a child.

A person is guilty of possessing a sexual performance by a child when, knowing the character and content thereof, he knowingly has in his possession or control, OR KNOWINGLY ACCESSES WITH INTENT TO VIEW, any performance which includes sexual conduct by a child less than sixteen years of age.

Possessing a sexual performance by a child is a class E felony.

S 3. This act shall take effect immediately.

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

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