

743--A

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. YOUNG, DeFRANCISCO, O'MARA, RANZENHOFER, SALAND -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to prohibiting the dissemination of any image of a person to an obscene internet website, without such person's knowledge or consent

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

1 Section 1. Section 250.55 of the penal law, as added by chapter 69 of
2 the laws of 2003, is amended to read as follows:
3 S 250.55 Dissemination of an unlawful surveillance image in the second
4 degree.
5 A person is guilty of dissemination of an unlawful surveillance image
6 in the second degree when [he]:
7 1. HE or she, with knowledge of the unlawful conduct by which an image
8 or images of the sexual or other intimate parts of another person or
9 persons were obtained and such unlawful conduct would satisfy the essen-
10 tial elements of the crime of unlawful surveillance in the first or
11 second degree, intentionally disseminates such image or images[.]; OR
12 2. WITHOUT THE KNOWLEDGE OR CONSENT OF ANOTHER PERSON, HE OR SHE
13 DISSEMINATES AN IMAGE OF THAT PERSON WHICH HE OR SHE KNOWS IS OBSCENE,
14 TO A COMPUTER NETWORK INTERNET WEBSITE. FOR THE PURPOSE OF THIS SECTION,
15 "OBSCENE" SHALL HAVE THE SAME MEANING AS IT IS DEFINED IN SUBDIVISION
16 ONE OF SECTION 235.00 OF THIS PART.
17 Dissemination of an unlawful surveillance image in the second degree
18 is a class A misdemeanor.
19 S 2. This act shall take effect on the first of November next succeed-
20 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.

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