

7525

2013-2014 Regular Sessions

I N A S S E M B L Y

May 23, 2013

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

AN ACT to amend the penal law, in relation to establishing the crime of
allurement of a minor through electronic means

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

1 Section 1. The penal law is amended by adding two new sections 263.17
2 and 263.18 to read as follows:
3 S 263.17 ALLUREMENT OF A MINOR THROUGH ELECTRONIC MEANS IN THE SECOND
4 DEGREE.
5 ANY INDIVIDUAL WHO KNOWINGLY ENGAGES IN SEXUAL COMMUNICATION FOR THE
6 PURPOSE, IN WHOLE OR SUBSTANTIAL PART, OF HIS OR HER OWN SEXUAL GRATIFI-
7 CATION, INCLUDING TEXT MESSAGES OR PICTURES, WITH AN INDIVIDUAL WHOM HE
8 OR SHE KNOWS TO BE A MINOR, THROUGH ANY ELECTRONIC MEANS SHALL BE GUILTY
9 OF THE CRIME OF ALLUREMENT OF A MINOR THROUGH ELECTRONIC MEANS. THE
10 CRIME OF ALLUREMENT OF A MINOR THROUGH ELECTRONIC MEANS SHALL NOT APPLY
11 TO COMMUNICATIONS SENT FROM ONE MINOR TO ANOTHER, TO COMMUNICATIONS SENT
12 BY A PERSON AGE TWENTY-ONE OR UNDER TO A PERSON AGE SEVENTEEN OR OLDER,
13 NOR TO COMMUNICATIONS FROM A PERSON AGE EIGHTEEN TO A PERSON AGE FIFTEEN
14 OR OVER.
15 ALLUREMENT OF A MINOR THROUGH ELECTRONIC MEANS IN THE SECOND DEGREE IS
16 A CLASS A MISDEMEANOR.
17 S 263.18 ALLUREMENT OF A MINOR THROUGH ELECTRONIC MEANS IN THE FIRST
18 DEGREE.
19 A PERSON IS GUILTY OF ALLUREMENT OF A MINOR THROUGH ELECTRONIC MEANS
20 IN THE FIRST DEGREE WHEN HE OR SHE COMMITS THE CRIME OF ALLUREMENT OF A
21 MINOR THROUGH ELECTRONIC MEANS IN THE SECOND DEGREE, AND HAS PREVIOUSLY
22 BEEN CONVICTED OF SUCH CRIME WITHIN THE PRECEDING TEN YEARS.
23 ALLUREMENT OF A MINOR THROUGH ELECTRONIC MEANS IN THE FIRST DEGREE IS
24 A CLASS E FELONY.
25 S 2. This act shall take effect on the ninetieth day after it shall
26 have become a law.

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

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