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

8311

2013-2014 Regular Sessions

I N A S S E M B L Y

December 6, 2013

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

AN ACT to amend the penal law, in relation to establishing the crimes of revenge exposure in the third degree, revenge exposure in the second degree and revenge exposure in the first degree

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

Section 1. This act shall be known and may be cited as the "state legislation for inappropriate exposure (SLFIE) act".

S 2. The penal law is amended by adding a new section 240.27 to read as follows:

S 240.27 REVENGE EXPOSURE IN THE THIRD DEGREE.

A PERSON IS GUILTY OF REVENGE EXPOSURE IN THE THIRD DEGREE WHEN HE OR SHE KNOWINGLY DISSEMINATES, OR KNOWINGLY CAUSES TO BE DISSEMINATED A PHOTOGRAPH, FILM, VIDEOTAPE, RECORDING, OR ANY OTHER REPRODUCTION OF AN IMAGE THAT DEPICTS NUDITY OR ACTIONS OF A SEXUALLY EXPLICIT NATURE OF ANOTHER IDENTIFIABLE PERSON OVER THE AGE OF EIGHTEEN WITHOUT THE CONSENT OF THE DEPICTED INDIVIDUAL AND UNDER CIRCUMSTANCES IN WHICH THE INDIVIDUAL HAS A REASONABLE EXPECTATION OF PRIVACY.

WHERE THE INDIVIDUAL DEPICTED IS UNDER THE AGE OF EIGHTEEN, ARTICLE TWO HUNDRED SIXTY-THREE OF THIS PART WILL APPLY.

WHERE A PERSON WRONGFULLY TAKES, OBTAINS OR WITHHOLDS A PHOTOGRAPH OR VIDEO THAT DEPICTS NUDITY OR ACTIONS OF A SEXUALLY EXPLICIT NATURE OF ANOTHER IDENTIFIABLE PERSON OVER THE AGE OF EIGHTEEN, ARTICLE ONE HUNDRED FIFTY-FIVE OF THIS PART WILL ALSO APPLY.

REVENGE EXPOSURE IN THE THIRD DEGREE IS A CLASS A MISDEMEANOR.

S 3. The penal law is amended by adding a new section 240.28 to read as follows:

S 240.28 REVENGE EXPOSURE IN THE SECOND DEGREE.

A PERSON IS GUILTY OF REVENGE EXPOSURE IN THE SECOND DEGREE WHEN HE OR SHE KNOWINGLY DISSEMINATES, OR KNOWINGLY CAUSES TO BE DISSEMINATED, OR

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

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KNOWINGLY DISSEMINATES TO A THIRD PERSON WHO KNOWINGLY DISSEMINATES A PHOTOGRAPH, FILM, VIDEOTAPE, RECORDING, OR ANY OTHER REPRODUCTION OF AN IMAGE THAT DEPICTS NUDITY OR ACTIONS OF A SEXUALLY EXPLICIT NATURE OF ANOTHER IDENTIFIABLE PERSON OVER THE AGE OF EIGHTEEN WITHOUT THE CONSENT OF THE DEPICTED INDIVIDUAL, UNDER CIRCUMSTANCES IN WHICH THE INDIVIDUAL HAS A REASONABLE EXPECTATION OF PRIVACY, AND WITH THE INTENT TO EITHER:

1. CAUSE SERIOUS EMOTIONAL DISTRESS; OR

2. OBTAIN A PROFIT.

WHERE THE INDIVIDUAL DEPICTED IS UNDER THE AGE OF EIGHTEEN, ARTICLE TWO HUNDRED SIXTY-THREE OF THIS PART WILL APPLY.

WHERE A PERSON WRONGFULLY TAKES, OBTAINS OR WITHHOLDS A PHOTOGRAPH OR VIDEO THAT DEPICTS NUDITY OR ACTIONS OF A SEXUALLY EXPLICIT NATURE OF ANOTHER IDENTIFIABLE PERSON OVER THE AGE OF EIGHTEEN, ARTICLE ONE HUNDRED FIFTY-FIVE OF THIS PART WILL ALSO APPLY.

REVENGE EXPOSURE IN THE SECOND DEGREE IS A CLASS E FELONY.

S 4. The penal law is amended by adding a new section 240.29 to read as follows:

S 240.29 REVENGE EXPOSURE IN THE FIRST DEGREE.

A PERSON IS GUILTY OF REVENGE EXPOSURE IN THE FIRST DEGREE WHEN:

1. HE OR SHE COMMITS THE CRIME OF REVENGE EXPOSURE IN THE SECOND DEGREE IN VIOLATION OF SECTION 240.28 OF THIS ARTICLE, AND HAS PREVIOUSLY BEEN CONVICTED OF THAT CRIME; OR

2. HE OR SHE COMMITS THE CRIME OF REVENGE EXPOSURE IN THE THIRD DEGREE IN VIOLATION OF SECTION 240.27 OF THIS ARTICLE OR REVENGE EXPOSURE IN THE SECOND DEGREE IN VIOLATION OF SECTION 240.28 OF THIS ARTICLE AND RECEIVES OR OBTAINS THE PHOTOGRAPH, FILM, VIDEOTAPE, RECORDING, OR ANY OTHER REPRODUCTION OF AN IMAGE WITHOUT THE CONSENT OF THE INDIVIDUAL WHO HAS FIRST POSSESSION OF THE PHOTOGRAPH, FILM, VIDEOTAPE, RECORDING, OR ANY OTHER REPRODUCTION.

REVENGE EXPOSURE IN THE FIRST DEGREE IS A CLASS D FELONY.

S 5. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.