

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as the "state
2 legislation for inappropriate exposure (SLFIE) act".
3 S 2. The penal law is amended by adding a new section 240.27 to read
4 as follows:
5 S 240.27 REVENGE EXPOSURE IN THE THIRD DEGREE.
6 A PERSON IS GUILTY OF REVENGE EXPOSURE IN THE THIRD DEGREE WHEN HE OR
7 SHE KNOWINGLY DISSEMINATES, OR KNOWINGLY CAUSES TO BE DISSEMINATED A
8 PHOTOGRAPH, FILM, VIDEOTAPE, RECORDING, OR ANY OTHER REPRODUCTION OF AN
9 IMAGE THAT DEPICTS NUDITY OR ACTIONS OF A SEXUALLY EXPLICIT NATURE OF
10 ANOTHER IDENTIFIABLE PERSON OVER THE AGE OF EIGHTEEN WITHOUT THE CONSENT
11 OF THE DEPICTED INDIVIDUAL AND UNDER CIRCUMSTANCES IN WHICH THE INDIVID-
12 UAL HAS A REASONABLE EXPECTATION OF PRIVACY.
13 WHERE THE INDIVIDUAL DEPICTED IS UNDER THE AGE OF EIGHTEEN, ARTICLE
14 TWO HUNDRED SIXTY-THREE OF THIS PART WILL APPLY.
15 WHERE A PERSON WRONGFULLY TAKES, OBTAINS OR WITHHOLDS A PHOTOGRAPH OR
16 VIDEO THAT DEPICTS NUDITY OR ACTIONS OF A SEXUALLY EXPLICIT NATURE OF
17 ANOTHER IDENTIFIABLE PERSON OVER THE AGE OF EIGHTEEN, ARTICLE ONE
18 HUNDRED FIFTY-FIVE OF THIS PART WILL ALSO APPLY.
19 REVENGE EXPOSURE IN THE THIRD DEGREE IS A CLASS A MISDEMEANOR.
20 S 3. The penal law is amended by adding a new section 240.28 to read
21 as follows:
22 S 240.28 REVENGE EXPOSURE IN THE SECOND DEGREE.
23 A PERSON IS GUILTY OF REVENGE EXPOSURE IN THE SECOND DEGREE WHEN HE OR
24 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.

LBD11840-06-3

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

- 7 1. CAUSE SERIOUS EMOTIONAL DISTRESS; OR
- 8 2. OBTAIN A PROFIT.

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

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

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

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

18 S 240.29 REVENGE EXPOSURE IN THE FIRST DEGREE.

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

20 1. HE OR SHE COMMITS THE CRIME OF REVENGE EXPOSURE IN THE SECOND
21 DEGREE IN VIOLATION OF SECTION 240.28 OF THIS ARTICLE, AND HAS PREVIOUS-
22 LY BEEN CONVICTED OF THAT CRIME; OR

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

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

31 S 5. This act shall take effect on the first of November next succeed-
32 ing the date on which it shall have become a law.