

3378--A

Cal. No. 215

2013-2014 Regular Sessions

I N S E N A T E

February 1, 2013

Introduced by Sens. YOUNG, DeFRANCISCO, GOLDEN, O'MARA, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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. NOTHING IN THIS SUBDIVISION SHALL
17 BE CONSTRUED TO IMPOSE LIABILITY OR CULPABILITY ON AN INTERACTIVE
18 COMPUTER SERVICE AS DEFINED IN 47 U.S.C. 230(F)(2), OR AN INFORMATION

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

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1 SERVICE OR TELECOMMUNICATION SERVICE AS DEFINED IN 47 U.S.C. 153, FOR
2 CONTENT PROVIDED BY ANOTHER PERSON.

3 Dissemination of an unlawful surveillance image in the second degree
4 is a class A misdemeanor.

5 S 2. This act shall take effect on the first of November next succeed-
6 ing the date on which it shall have become a law.