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

3839--A

2013-2014 Regular Sessions

I N S E N A T E

February 21, 2013

Introduced by Sen. GOLDEN -- 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 the crime of facilitating a sex offense through electronic communication

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

Section 1. The penal law is amended by adding a new section 130.93 to read as follows:

S 130.93 FACILITATING A SEX OFFENSE THROUGH ELECTRONIC COMMUNICATION.

1. A PERSON IS GUILTY OF FACILITATING A SEX OFFENSE THROUGH ELECTRONIC COMMUNICATION WHEN, HE OR SHE, THROUGH THE USE OF ELECTRONIC COMMUNICATION, INTENTIONALLY ENGAGES IN CONDUCT THAT ENCOURAGES, SUGGESTS, OR AIDS ANOTHER PERSON IN THE COMMISSION OF A FELONY SEX OFFENSE.

2. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "FELONY SEX OFFENSE" SHALL HAVE THE SAME MEANING AS SET FORTH IN PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION 70.80 OF THIS CHAPTER.

(B) "ELECTRONIC COMMUNICATION" MEANS ANY TRANSFER OF SIGNS, SIGNALS, WRITINGS, IMAGES, SOUNDS, DATA, OR INTELLIGENCE OF ANY NATURE TRANSMITTED IN WHOLE OR IN PART BY A WIRE, RADIO, ELECTROMAGNETIC, PHOTO-ELECTRONIC, OR PHOTO-OPTICAL SYSTEM. ELECTRONIC COMMUNICATION INCLUDES, BUT IS NOT LIMITED TO, THE TRANSFER OF THAT COMMUNICATION THROUGH THE INTERNET.

FACILITATING A SEX OFFENSE THROUGH ELECTRONIC COMMUNICATION IS A CLASS D FELONY.

S 2. This act shall take effect on the first of November next succeeding 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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