

2912

2013-2014 Regular Sessions

I N   A S S E M B L Y

January 22, 2013

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Introduced by M. of A. ORTIZ -- read once and referred to the Committee  
on Economic Development

AN ACT to amend the general business law, in relation to establishing a  
two dollar surcharge on sexually oriented media; and to amend the  
state finance law, in relation to establishing the crime victims fund

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

1     Section 1. The general business law is amended by adding a new section  
2     399-dddd to read as follows:  
3     S 399-DDDD. SEXUALLY ORIENTED MEDIA; SURCHARGE. 1. FOR PURPOSES OF  
4     THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:  
5     A. "NUDE" SHALL MEAN:  
6     (I) ENTIRELY UNCLOTHED; OR  
7     (II) CLOTHED IN A MANNER THAT LEAVES UNCOVERED OR VISIBLE THROUGH LESS  
8     THAN FULLY OPAQUE CLOTHING ANY PORTION OF THE BREASTS BELOW THE TOP OF  
9     THE AREOLA OF THE BREASTS, IF THE PERSON IS FEMALE, OR ANY PORTION OF  
10    THE GENITALS OR BUTTOCKS; AND  
11    B. "SEXUALLY ORIENTED MEDIA" SHALL MEAN A MAGAZINE, VIDEO, DVD OR  
12    INTERNET WEBSITE WHOSE DOMAIN NAME IS REGISTERED IN THIS STATE, WHERE  
13    THE CONTENT OF SUCH MAGAZINE, VIDEO, DVD OR INTERNET WEBSITE FEATURES  
14    NUDE PICTURES OR NUDE PERFORMANCES.  
15    2. A SURCHARGE SHALL BE IMPOSED ON ANY SEXUALLY ORIENTED MEDIA AS  
16    FOLLOWS:  
17    A. FOR EACH MAGAZINE, VIDEO OR DVD PURCHASED IN THIS STATE, TWO  
18    DOLLARS FOR EACH MAGAZINE, VIDEO OR DVD PURCHASED; OR  
19    B. FOR EACH DOWNLOAD PURCHASED FROM AN INTERNET WEBSITE, TWO DOLLARS  
20    FOR EACH DOWNLOAD PURCHASED.  
21    3. ANY PERSON, FIRM, CORPORATION, PARTNERSHIP OR ANY OTHER BUSINESS  
22    ENTITY THAT SELLS SEXUALLY ORIENTED MEDIA SHALL BE LIABLE FOR THE  
23    COLLECTION OF THE SURCHARGE IMPOSED BY THIS SECTION. EVERY BUSINESS  
24    SUBJECT TO THE PROVISIONS OF THIS SECTION SHALL REMIT THE TOTAL OF FUNDS

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

LBD06731-01-3

1 COLLECTED FROM THE SURCHARGE ESTABLISHED PURSUANT TO THIS SECTION TO THE  
2 COMMISSIONER OF TAXATION AND FINANCE FOR DEPOSIT INTO THE CRIME VICTIMS  
3 FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-SEVEN OF THE STATE FINANCE  
4 LAW.

5 S 2. The state finance law is amended by adding a new section 87 to  
6 read as follows:

7 S 87. CRIME VICTIMS FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT  
8 CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND  
9 FINANCE A SPECIAL REVENUE FUND TO BE KNOWN AS THE "CRIME VICTIMS FUND".

10 2. SUCH FUND SHALL CONSIST OF THE REVENUES RECEIVED PURSUANT TO  
11 SECTION THREE HUNDRED NINETY-NINE-DDDD OF THE GENERAL BUSINESS LAW, AND  
12 ALL OTHER MONIES APPROPRIATED, CREDITED, OR TRANSFERRED THERETO FROM ANY  
13 OTHER FUND OR SOURCE PURSUANT TO LAW.

14 3. MONIES OF THE FUND WHEN ALLOCATED, SHALL BE MADE AVAILABLE TO THE  
15 COMMISSIONER OF CORRECTIONAL SERVICES TO FUND PROGRAMS FOR VICTIMS OF  
16 CRIME, INCLUDING, BUT NOT LIMITED TO, VICTIMS OF DOMESTIC VIOLENCE, HATE  
17 CRIMES, HUMAN TRAFFICKING AND CHILD PROSTITUTION.

18 4. MONEY SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF  
19 THE STATE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMIS-  
20 SIONER OF CORRECTIONAL SERVICES.

21 S 3. This act shall take effect on the thirtieth day after it shall  
22 have become a law.