

8204--A

2013-2014 Regular Sessions

I N A S S E M B L Y

October 24, 2013

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to creating the crimes of unlawful dissemination of an intimate image in the first and second degrees

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

1 Section 1. The section heading and the opening paragraph of section
2 250.40 of the penal law, as added by chapter 69 of the laws of 2003, are
3 amended to read as follows:
4 Unlawful surveillance AND DISSEMINATION; definitions.
5 The following definitions shall apply to sections 250.45, 250.50,
6 250.55 [and], 250.60, 250.70 AND 250.75 of this article:
7 S 2. The penal law is amended by adding two new sections 250.70 and
8 250.75 to read as follows:
9 S 250.70 UNLAWFUL DISSEMINATION OF AN INTIMATE IMAGE IN THE SECOND
10 DEGREE.
11 A PERSON IS GUILTY OF UNLAWFUL DISSEMINATION OF AN INTIMATE IMAGE IN
12 THE SECOND DEGREE WHEN, WITH INTENT TO HARASS, ANNOY OR ALARM ANOTHER
13 PERSON, HE OR SHE INTENTIONALLY DISSEMINATES AN IMAGE OR IMAGES OF THE
14 SEXUAL OR OTHER INTIMATE PARTS OF ANOTHER PERSON WITHOUT EXPLICIT
15 CONSENT OF SUCH PERSON TO DISSEMINATE SUCH IMAGE.
16 UNLAWFUL DISSEMINATION OF AN INTIMATE IMAGE IN THE SECOND DEGREE IS A
17 CLASS A MISDEMEANOR.
18 S 250.75 UNLAWFUL DISSEMINATION OF AN INTIMATE IMAGE IN THE FIRST
19 DEGREE.
20 A PERSON IS GUILTY OF UNLAWFUL DISSEMINATION OF AN INTIMATE IMAGE IN
21 THE FIRST DEGREE WHEN HE OR SHE COMMITS THE CRIME OF UNLAWFUL DISSEM-
22 INATION OF AN INTIMATE IMAGE IN THE SECOND DEGREE AND HAS PREVIOUSLY

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

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1 BEEN CONVICTED WITHIN THE PAST TEN YEARS OF UNLAWFUL DISSEMINATION OF AN
2 INTIMATE IMAGE IN THE FIRST OR SECOND DEGREE.

3 UNLAWFUL DISSEMINATION OF AN INTIMATE IMAGE IN THE FIRST DEGREE IS A
4 CLASS E FELONY.

5 S 3. Nothing in this act shall be construed to impose liability on an
6 interactive computer service for content provided by another person. The
7 term "interactive computer service" means any information service,
8 system, or access software provider that provides or enables computer
9 access by multiple users to a computer server, including specifically a
10 service or system that provides access to the Internet and such systems
11 operated or services offered by libraries or educational institutions.

12 S 4. This act shall take effect on the one hundred eightieth day after
13 it shall have become a law.