

868

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. WEPRIN -- read once and referred to the Committee
on Codes

AN ACT to amend the penal law, in relation to establishing the offense
of public display of a blurred sexual advertisement

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

1 Section 1. The penal law is amended by adding a new section 245.12 to
2 read as follows:
3 S 245.12 PUBLIC DISPLAY OF A BLURRED SEXUAL ADVERTISEMENT.
4 (A) A PERSON IS GUILTY OF PUBLIC DISPLAY OF A BLURRED SEXUAL ADVER-
5 TISEMENT WHEN, WITH KNOWLEDGE OF HIS CHARACTER AND CONTENT, HE OR SHE
6 DISPLAYS, PUBLISHES, DISSEMINATES, CIRCULATES, PLACES BEFORE THE PUBLIC
7 OR CAUSES, DIRECTLY OR INDIRECTLY, TO BE DISPLAYED, PUBLISHED, DISSEM-
8 INATED, CIRCULATED OR PLACED BEFORE THE PUBLIC IN OR ON ANY WINDOW,
9 SHOWCASE, NEWSSTAND, DISPLAY RACK, WALL, DOOR, BILLBOARD, DISPLAY BOARD,
10 VIEWING SCREEN, MOVING PICTURE SCREEN, MARQUEE, NEWSPAPER, MAGAZINE,
11 PAMPHLET, BOOKLET, WEBSITE, PUBLICATION OR SIMILAR PLACE, IN THIS STATE,
12 ANY PICTORIAL, THREE-DIMENSIONAL OR OTHER VISUAL ADULT ENTERTAINMENT
13 ADVERTISEMENT DEPICTING A PERSON OR A PORTION OF THE HUMAN BODY WITHOUT
14 REVEALING THE ENTIRE FACE OF SUCH PERSON.
15 (B) FOR THE PURPOSES OF THIS SECTION, THE TERM "ADULT ENTERTAINMENT
16 ADVERTISEMENT" SHALL MEAN AN ADVERTISEMENT FOR ANY PERSON, FIRM, CORPO-
17 RATION OR ASSOCIATION THAT OWNS OR OPERATES ANYTHING SEX-RELATED INCLUD-
18 ING, BUT NOT LIMITED TO ANY:
19 (I) STRIP CLUB, GENTLEMAN'S CLUB, OR ESTABLISHMENT WHICH FEATURES
20 DANCERS THAT ARE DISPLAYED IN SUCH MANNER OR ATTIRE AS TO EXPOSE TO VIEW
21 ANY PORTION OF THE PUBIC AREA, ANUS, VULVA OR GENITALS, OR ANY SIMU-
22 LATION THEREOF, OR PERMIT ANY FEMALE TO APPEAR IN SUCH MANNER OR ATTIRE
23 AS TO EXPOSE TO VIEW ANY PORTION OF THE BREAST BELOW THE TOP OF THE
24 AREOLA;

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

LBD03835-01-3

1 (II) WEBSITE, INTERNET BUSINESS, MAGAZINE, NEWSPAPER OR OTHER PUBLICA-
2 TION OR MOVIE, DVD OR VIDEO WITH PORNOGRAPHIC CONTENT WHICH SHALL MEAN
3 ANY STILL OR MOTION PICTURE SHOWING ACTS OF SEXUAL INTERCOURSE OR ACTS
4 OF SEXUAL PERVERSION. THIS SECTION SHALL NOT BE CONSTRUED AS APPLYING TO
5 BONA FIDE MEDICAL PHOTOGRAPHS OR FILMS;
6 (III) ADULT OR OVER-EIGHTEEN PHONE OR CHAT LINE; OR
7 (IV) ADULT PERSONAL ADVERTISEMENT BUSINESS.
8 PUBLIC DISPLAY OF A BLURRED SEXUAL ADVERTISEMENT IS A CLASS A MISDE-
9 MEANOR.
10 S 2. This act shall take effect immediately.