

5946

2013-2014 Regular Sessions

I N S E N A T E

October 4, 2013

Introduced by Sen. BOYLE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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

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

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1 UNLAWFUL DISSEMINATION OF AN INTIMATE IMAGE IN THE FIRST DEGREE IS A
2 CLASS E FELONY.
3 S 3. This act shall take effect on the one hundred eightieth day after
4 it shall have become a law.