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

2525

2015-2016 Regular Sessions

I N A S S E M B L Y

January 16, 2015

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

AN ACT to amend the penal law, in relation to prohibiting the dissemination of any image of a person to an obscene internet website, without such person's knowledge or consent

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

Section 1. Section 250.55 of the penal law, as amended by chapter 193 of the laws of 2014, is amended to read as follows:

S 250.55 Dissemination of an unlawful surveillance image in the second degree.

A person is guilty of dissemination of an unlawful surveillance image in the second degree when [he]:

1. HE or she, with knowledge of the unlawful conduct by which an image or images of the sexual or other intimate parts of another person or persons were obtained and such unlawful conduct would satisfy the essential elements of the crime of unlawful surveillance in the first or second degree, as defined, respectively, in section 250.50 or 250.45 of this article, intentionally disseminates such image or images[.]; OR

2. WITHOUT THE KNOWLEDGE OR CONSENT OF ANOTHER PERSON, HE OR SHE DISSEMINATES AN IMAGE OF THAT PERSON WHICH HE OR SHE KNOWS IS OBSCENE, TO A COMPUTER NETWORK INTERNET WEBSITE. FOR THE PURPOSE OF THIS SECTION, "OBSCENE" SHALL HAVE THE SAME MEANING AS IT IS DEFINED IN SUBDIVISION ONE OF SECTION 235.00 OF THIS PART.

Dissemination of an unlawful surveillance image in the second degree is a class A misdemeanor.

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.

LBD05578-01-5